IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF DECEMBER, 2020

BEFORE

THE HON'BLE Mr.JUSTICE P.S.DINESH KUMAR

WRIT PETITION NO.1808/2020 (CS-EL/M)

Between:

1. A. Nagaraj Reddy,
   S/o. Late. E.B. Appanna Reddy,
   Aged about 64 years,
   Share No: 216

2. A. Vasantha Reddy,
   S/o. Late. B. Appanna Reddy,
   Aged about 62 years,
   Share No: 444

3. K.N. Rajashekhar,
   S/o. Late Nyanappa K.P.
   Aged about 58 years,
   Share No: 498

4. Nataraj.M.H,
   S/o. Hanumappa,
   Aged about 62 years
   Share No: 583

5. Anjaneya Reddy,
   S/o. Papireddy,
   Aged about 70 years,
   Share No: 2915

6. K.M. Venkata Reddy,
   S/o. K.H. Munireddy,

Aged about 71 years,
Share No: 566

7. Muninarayanappa R,
S/o. Revappa,
Aged about 58 years
Share No: 176

8. S.J. Narayanaswamy,
S/o. Govindappa,
Aged about 46 years
Share No: 178

9. S.J. Venkateshappa,
S/o. Govindappa,
Aged about 44 years
Share No: 179

10. Nagaraja Shetty,
S/o. Ramaiah Shetty,
Aged about 56 years
Share No: 2243

11. Munisiddappa,
S/o. Munishamappa,
Aged about 67 years,
Share No: 257

12. Shri Raama,
S/o. Venkatappa,
Aged about 68 years,
Share No: 262

13. Venkateshappa S.K.
S/o. Krishnappa,
Aged about 49 years
Share No: 2677

14. Gowramma,
D/o. Venkateshappa,
Aged about 45 years,
Share No: 2679

15. Naveenkumar S.C.
S/o. Channappa,
Aged about 54 years,
Share No: 2693

16. Ramaiah,
S/o. Kallalli Bairappa,
Aged about 67 years
Share No: 270

17. Seenappa. S.V.
S/o. Venkatappa K,
Aged about 62 years
Share No: 2704

18. Govindappa,
S/o. Tayappa,
Aged about 49 years
Share No: 2714

19. Lakshmamma,
S/o. Govindappa,
Aged about 53 years
Share No: 2715

20. Sarojamma,
W/o. Narayanaswamy,
Aged about 65 years
Share No: 2761

21. S.J. Gowramma,
D/o. Govindappa,
Aged abour 40 years
Share No: 2717

22. Narayanaswamy S.M.
S/o. B. Munishamappa,
Aged about 71 years
Share No: 2777

23. Byregowda,
S/o. Tayappa,
Aged about 68 years
Share No: 2796

24. Shyamalamma,
W/o. Seenappa,
Aged about 56 years
Share No: 2821

25. Janardhana Reddy S.V,
S/o. S.R. Venkata Reddy,
Aged about 58 years,
Share No: 2856

26. Paapanna,
S/o. Nyatappa,
Aged about 56 years
Share No: 310

27. Kempamma,
W/o. Tayappa,
Aged about 70 years
Share No: 3117

28. Venkatesh,
S/o. A.K. Ramappa,
Aged about 78 years
Share No: 336

29. Radhamma,
W/o. Venkatesh,
Aged about 65 years,
Share No: 360

30. Raghunatha Reddy,
W/o. Anjaneya Reddy,
Aged about 67 years
Share No: 126

31. Jayachandra Reddy,
W/o. Anjaneya Reddy,
Aged about 65 years
Share No: 132

32. Srinivasa Shetty
S/o. Papa Shetty,
Aged about 54 years
Share No: 2921

33. V. Narayanaswamy Reddy,
S/o. C. Veera Reddy,
Aged about 69 years
Share No: 185

34. S.N. Shyamala,
W/o. Sundar Raj Reddy,
Aged about 54 years
Share No: 535

35. N. Babu Reddy,
S/o. Late Narayana Reddy,
Aged about 52 years
Share No: 2296

36. Anilkumar S.J,
S/o. Jayarama Reddy,
Aged about 76 years,
Share No: 2547

37. Venkateshappa,
S/o. Doddamunishami,
Aged about 70 years,
Share No: 3150

38. Triveni,
D/o. K M. Gopal,
Aged about 28 years,
Share No: 300

39. Suresh Reddy,
S/o. Venkata Reddy,
Aged about 50 years
Share No: 2500

40. Nagi Reddy,
S/o. Nareppa Reddy,
Aged about 43 years
Share No: 316

41. Srinivasa Reddy R.N.
S/o. Narayana Reddy,
Aged about 63 years,
Share No: 2920

42. Mohan Reddy K.S.
S/o. Narayana Reddy,
Aged about 65 years
Share No: 3024

43. Sujathamma,
W/o. B. Hullurappa,
Aged about 45 years
Share No: 855

44. Muniraju,
S/o. Sampanna,
Aged about 78 years,
Share No: 883

45. Narayana Reddy,
S/o. Munireddy,
Aged about 67 years
Share No: 1306

46. Srinivasamurthy,
S/o. Lakshmaiah,
Aged about 70 years,
Share No: 2232

47. Pattalappa,
S/o. Shambappa,
Aged about 71 years,
Share No: 2642

48. B.K. Gopalakrishna,
S/o. B.M. Krishnappa,
Aged about 49 years,
Share No: 955

49. Sampangi Ramaiah,
S/o. Munivenkatappa,
Aged about 72 years,
Share No: 859

50. Lakshmikanth,
S/o. Munirajappa,
Aged about 56 years,
Share No: 2414

51. Chiatra B.R.
W/o. Lakshmikanth,
Aged about 40 years,
Share No: 2415

52. Gundamma,
W/o. Narayanappa,
Aged about 68 years
Share No: 863

53. M. Srinivas,
S/o. Munishamappa,
Aged about 67 years
Share No: 972

54. Venkataswamy,
S/o. Late Burugappa,
Aged about 65 years
Share No: 2229

55. Venkatagiriyappa,
S/o. Cheluvappa,
Aged about 76 years,
Share No: 2346

56. Krishna Reddy,
S/o. Guruva Reddy,
Aged about 67 years
Share No: 1011

57. Gopala Reddy,
S/o. Bala Reddy,
Aged about 56 years
Share No: 2556

58. A.B. Srinath,
S/o. Bayya Reddy
Aged about 67 years
Share No: 823

59. Bhagyamma,
W/o. Rangappa,
Aged about 68 years
Share No: 3000

60. Rangappa,
S/o. Venkataramanappa,
Aged about 70 years
Share No: 3001

61. Suresh Reddy,
S/o. Jangama Reddy,
Aged about 65 years
Share No: 2661

62. Anjaneya Reddy,
S/o. Venkataramana Reddy,
Aged about 50 years
Share No: 2758

63. R. Gowramma,
W/o. K.N. Jagannatha,
Aged about 65 years
Share No: 993

64. Gutlappa,
S/o. Timmarayappa,
Aged about 70 years
Share No: 780

65. Govinda Reddy,
S/o. Krishna Reddy,
Aged about 69 years
Share No: 1037

66. Brinda,
D/o. Govinda Reddy,
Aged about 45 years
Share No: 1049

67. Narayana Reddy,
S/o. Obala Reddy,
Aged about 72 years
Share No: 2934

68. Krishna Reddy,
S/o. Sampangi Rama Reddy,
Aged about 67 years
Share No: 2946

69. Krishna Reddy,
S/o. Nagi Reddy,
Aged about 68 years
Share No: 877

70. Appojigowda,
S/o. Venkateshappa,
Aged about 67 years
Share No: 3006

71. Subramani. V,
S/o. Venkateshappa,
Aged about 56 years
Share No: 2614

72. Venkatachalapathi,
S/o. Munivenkatappa,
Aged about 49 years
Share No: 2631

73. Narayanasamy. N,
S/o. Doddananjudappa,
Aged about 76 years
Share No: 2649

74. Manjunath N,
S/o. Narayanappa,
Aged about 63 years
Share No: 2650

75. Munirajaiah.T.M,
S/o. Munivenkatappa.P,
Aged about 64 years,
Share No: 3194

76. Srinivas,
S/o. Venkatappa,
Aged about 67 years
Share No: 2052

77. Nagaraja Rao,
S/o. Venkoba Rao,
Aged about 65 years
Share No: 2098

78. Gajendra Rao. M.N.
S/o. Nagoji Rao,
Aged about 76 years
Share No: 3151

79. Krishnappa. M,
S/o. Muniyappa,
Aged about 72 years,
Share No: 1214

80. Muniswamy,
S/o. late Narayanappa,
Aged about 69 years,
Share No: 2664

81. Venkateshappa,
S/o. Krishnappa,
Aged about 65 years
Share No: 2490

82. Bhagyamma,
W/o. Balakrishna Reddy,
Aged about 59 years
Share No: 1597

83. H.D. Narayanaswamy,
S/o. Dasappa,
Aged about 72 years,
Share No: 1612

84. B.A. Suresh,
S/o. Anjanappa,
Aged about 67 years
Share No: 1355

85. Subhash Chandra,
S/o. V. Hanumappa,
Aged about 45 years,
Share No: 1382

86. V. Hanumappa,
S/o. Venkatappa,
Aged about 79 years,
Share No: 1383

87. B.H. Pratap Chandra,
S/o. V. Hanumappa,
Aged about 40 years,
Share No: 1409

88. Ashok.K.N.
S/o. Narayanappa,
Aged about 43 years
Share No: 1042

89. H.L. Harish,
S/o. Lakshmi Narayanappa,
Aged about 67 years
Share No: 2280

90. V.M. Varadaraju,
S/o. Muniyappa,
Aged about 56 years
Share No: 1531

91. Chaitra,
W/o. V.M. Varadaraj,
Aged about 53 years,
Share No: 1646

… Petitioners

For the purpose of address of all the above mentioned petitioners it could be taken as "The Primary Co-operative Agricultural & Rural Development Bank ltd., Maluru, Maluru taluk, Kolar district, as all the petitioners herein are the shareholders with their respective share numbers as mentioned in the cause title.

(By Sri.Sumanth Kumar S.Patil, Advocate)

And:

1. The State of Karnataka,
   Department of Co-operation,
   M.S Building,
   Dr. B.R Ambedkar Veedhi,
   Bengaluru-01
   Represented by its Secretary

2. The Co-operative Election Commission,
   3rd Floor, Shanthinagar,
   TTMC 'A' Block, K.H.Road,
   Shanthinagar, B'lre – 027
   Reptd by its Commissioner

3. The Co-operative Election Authority,
   And Election Authority for conducting to
   Primary Co-operative Agriculture and Rural
   Development Bank, ltd.,
   Kolar, Kolar district - 563101
   Rpstd by its CEO

4. The Joint Registrar of Co-operative Societies,
   Bengaluru Division,
   Bengaluru Sahakara Soudha,
   Margossa Road,
   Malleshwaram, Bengaluru 560003

5. The Deputy Registrar of Co-operative Societies,
   Kolar district, Kolar – 563101

6. The Primary Co-operative
   Agricultural & Rural Development
   Bank, Maaluru,
   Kolar district -
   Represented by its CEO/Secretary

7. Shivakumar. V.,
   Returning Officer,
   Primary Co-operative
   Agricultural & Rural Development
   Bank Niyamitha, Maaluru,
   /Co-operative Development Officer,
   Maaluru taluk,
   Kolar district. … Respondents

(By Smt.Rashmi Patel, HCGP for R.1, 4, 5 & 7;
Sri.G.V.Shashikumar, Advocate for R.2 & 3)

This Writ Petition is filed under Articles 226 and 227 of the Constitution of India praying to declare that Section 20(2)(a-iv) and (a-v) of the Karnataka Co-operative Societies Act is ultra virus the legislative competence and Article 243Zl and 243ZO of the Constitution of India and etc.

This petition coming on for orders this day, the Court made the following:

ORDER

Heard Shri.Sumanth Kumar S.Patil, learned advocate for the petitioners, Smt.Rashmi Patel, learned HCGP for the State and Shri G.V.Shashi Kumar, learned advocate for respondent Nos.2 and 3.

2. Shri.Sumanth Kumar S.Patil, learned advocate for the petitioners submits that elections have already

been conducted. Therefore, this petition is rendered infructuous and accordingly prayed for its dismissal. He undertakes to send a memo to this effect. Once the memo is received, the Registry shall keep the same in the record.

3. In the circumstances, the petition is accordingly ***dismissed*** as having become infructuous.

No costs.

Sd/-
JUDGE

NBM