NC: 2024:KHC-D:18590
WP No. 107841 of 2024

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 24TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

WRIT PETITION NO. 107841 OF 2024 (CS-EL/M)

BETWEEN:

SHRI GOVIND SHAMBU GOWDA, S/O. GOUDA SHAMBU,
AGE. 55 YEARS, OCC. AGRICULTURE,
R/O. HEBBARITHAL VILLAGE,
GUNNAVANTHE, HONNAVARA TALUK,
UTTARA KANNADA DISTRICT-581348.

…PETITIONER

(BY SRI. NAYANA KUMAR, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   R/BY ITS PRINCIPAL SECRETARY
   DEPARTMENT OF CO-OPERATION,
   6TH FLOOR, M.S. BUILDING,
   AMBEDKAR VEEDHI, BENGALURU-560001.

2. CO-OPERATIVE ELECTION COMMISSION,
   R/BY ITS COMMISSIONER,
   3RD FLOOR, SHANTI NAGAR,
   TTMC 'A' BLOCK, BENGALURU-560027.

3. THE DEPUTY COMMISSIONER,
   UTTARA KANNADA DISTRICT.

4. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
   KARWAR, DIST. UTTARA KANNADA DISTRICT.

5. VIVIDOSHA PRATHAMIKA GRAMEEN
   KRISHI SAHAKARI SANGH,
   HONNAVARA, UTTARA KANNADA DISTRICT.

6. THE RETURNING OFFICER
   VIVIDOSHA PRATHAMIKA GRAMEEN
   KRISHI SAHAKARI SANGH
   HONNAVAR, UTTARA KANNADA DISTRICT.

…RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1, R3 AND R4;
SRI. SOURABH HEDGE, ADVOCATE FOR R5/CAVEATOR;
NOTICE TO R2 AND R6 DISPENSED WITH.)

MANJANNA E
Digitally signed by MANJANNA E
Location: High Court of Karnataka
Date: 2024.12.24 16:59:34 +0530

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA 1950, PRAYING TO, A. ISSUE A WRIT OF CERTIORARI AND QUASH THE ORDER DATED 21.12.2024 PASSED BY THE 4TH RESPONDENT THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES. B. ISSUE A WRIT OF MANDAMUS DIRECTING THE 6TH RESPONDENTS TO PERMIT THE PETITIONER TO CONTEST THE ELECTION DATED 28.12.2024 IN PURSUANCE OF CALENDAR OF EVENTS DATED 06.12.2024 IN THE INTEREST OF JUSTICE AND EQUITY.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

ORAL ORDER
(PER: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI)

Writ petition is filed seeking for following relief"

a) Issue a writ of certiorari and quash the order dated 21.12.2024 passed by the 4th respondent the Deputy Registrar of Co-operative Societies.

B. Issue a writ of mandamus directing the 6th Respondents to permit the petitioner to contest the election dated 28.12.2024 in pursuance of calendar of events dated 06.12.2024 in the interest of justice and equity.

C. Pass such other order or orders which this Hon'ble court deems fit and necessary under the facts and circumstances of the case.

2. Sri. Nayana Kumar, learned counsel for petitioner submits that, petitioner in pursuance of Election Notification at Annexure-A, had filed nomination application as per Annexure-B on 15.12.2024. But same was rejected at fag end of election process on 21.12.2024 as per Annexure-C. It was submitted,

petitioner belongs to Grama Vakkalu caste falling under Category 'A'. He had appended caste certificate at Annexure-D along with nomination. It was submitted, said caste would fall within Category-A of the notified castes under provisions of Karnataka Gram Swaraj and Panchayat Raj Act, Returning Officer rejected nomination application on ground that certificate is not compliant with Explanation to Rule 14-ALA of the Karnataka Co-operative Societies Rules. It was submitted alternative remedy provided under Section 70 of Karnataka Co-operative Societies Act was not efficatious as election would be concluded. Hence, writ petition was filed.

3. Sri. Sourabh Hegde, learned counsel for caveator/respondent no.5 on other hand, would oppose writ petition. He has filed a memo producing proforma of caste certificate issued under provision of Karnataka Gram Swaraj and Panchayat Raj Act and regular caste certificate to point out differences. It was also submitted that, this Court in Writ Petition no.107059/2024 disposed of on 27.11.2024 had held that disputes regarding election would require to be adjudicated under Section 70 of Karnataka Co-operative Societies Act and

there would be no scope to interfere with ongoing election process.

4. Learned AGA for respondent nos.1, 3 and 4 supports submission.

5. Heard learned counsel and perused writ petition.

6. In view of nature of order passed, notice to respondent nos.2 and 6 is dispensed. Moreover panel counsel for respondent no.2 is not available to assist this Court.

7. It is not in dispute that rejection of nomination can be subject matter of dispute under Section 70 of the Karnataka Co-operative Societies Act. Only question to be examined herein would be whether petitioner requires to be relegated to avail said remedy or whether any indulgence may be shown at this stage.

8. Since election process has been set in motion and scheduled to be held on 28.12.2024 and Notification at Annexure-A read with Rule 14-ALA of the Karnataka Co-operative Societies Rules, mandatorily provides furnishing of caste certificate under provisions of Karnataka Gram Swaraj

and Panchayat Raj Act, I do not find any prima facie or good ground to differ with view taken in Writ Petition no.107059/2024.

9. Hence, writ petition is dismissed reserving liberty to petitioner to avail alternative remedy by keeping open all contentions.

Sd/-
(RAVI V.HOSMANI)
JUDGE

Kmv
CT: VP