HC-KAR

NC: 2026:KHC:60212
WP No. 36152 of 2025

CNR: KAHC010781622025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

WRIT PETITION NO. 36152 OF 2025 (CS-RES)

BETWEEN:

1. B M NARAYANASWAMY
   SON OF MUNISHAMAPPA
   AGED ABOUT 52 YEARS
   VICE-PRESIDENT OF BHAKTARAHALLI MILK
   PRODUCERS CO-OPERATIVE SOCIETY LIMITED

2. SRI ANJAPPA B P
   SON OF PAPPANNA
   AGED ABOUT 42 YEARS
   PRESIDENT OF BHAKTARAHALLI MILK
   PRODUCERS CO-OPERATIVE SOCIETY LIMITED

3. MARAPPA
   SON OF NARAYANAPPA
   AGED ABOUT 45 YEARS
   DIRECTOR, BHAKTARAHALLI MILK
   PRODUCERS CO-OPERATIVE SOCIETY LIMITED

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Location: HIGH COURT OF KARNATAKA

4. RAMANJANAPPA
   SON OF NARAYANAPPA
   AGED ABOUT 50 YEARS
   DIRECTOR, BHAKTARAHALLI MILK
   PRODUCERS CO-OPERATIVE SOCIETY LIMITED

5. VENKATALAKSHMAMMA
   WIFE OF VENKATESHAPPA
   AGED ABOUT 51 YEARS
   DIRECTOR, BHAKTARAHALLI MILK
   PRODUCERS CO-OPERATIVE SOCIETY LIMITED

6. BALARAJA A
SON OF ANTHONYSWAMY
AGED ABOUT 40 YEARS
DIRECTOR, BHAKTARAHALLI MILK
PRODUCERS CO-OPERATIVE SOCIETY LIMITED

7. ANJAPPA
SON OF MUNIHANUMAPPA
AGED ABOUT 55 YEARS
DIRECTOR, BHAKTARAHALLI MILK
PRODUCERS CO-OPERATIVE SOCIETY LIMITED

…PETITIONERS

(BY KUMAKI. KAVYASHREE, ADVOCATE FOR
SRI. KEERTHI KRISHNA REDDY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION,
MS BUILDING,
DR. B.R.AMBEDKAR VEEDHI,
BENGALURU - 560 001.
REPRESENTED BY ITS
PRINCIPLE SECRETARY

2. DEPARTMENT OF CO-OPERATION
KARNATAKA GOVERNMENT SECRETARIAT
MS BUILDING
REPRESENTED BY UNDER-SECRETARY-3

3. DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES/
DISTRICT ELECTION OFFICER
CHIKKABALLAPURA
CHIKKABALLAPURA - 563128.

4. RETURNING OFFICER APPOINTED FOR
BHAKTARAHALLI MILK PRODUCERS
CO-OPERATIVE SOCIETY LTD.,

CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT -563128

5. THE CHIKKABALLAPUR MILK PRODUCERS
CO-OPERATIVE SOCIETIES LIMITED
CHIKKABALLAPUR
CHIKKABALLAPUR DISTRICT- 563 128
REGISTERED UNDER CO-OPERATIVE
SOCIETIES ACT, 1959
REPRESENTED BY ITS DIRECTOR

6. BHAKTARAHALLI MILK
PRODUCERS CO-OPERATIVE SOCIETY LIMITED
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT -563128
REGISTERED UNDER CO-OPERATIVE
SOCIETIES ACT, 1959
REPRESENTED BY ITS DIRECTOR

7. SRI T MANJUNATH REDDY
SON OF THIMMA REDDY N
AGED MAJOR
CHINTAMANI TALUK,
CHIKKABALLAPURA DISTRICT -563125.

…RESPONDENTS

(BY SRI. YOGESH D.NAIK, AGA FOR R1 TO R4;
R5 TO R7 ARE SERVED AND UNREPRESENTED)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN RELIEFS.

THIS WRIT PETITION IS LISTED FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, AN ORDER IS MADE AS UNDER:

ORAL ORDER

Kumari. Kavyashree., counsel on behalf of Sri. Keerthi Krishna Reddy., for the petitioners and Sri. Yogesh D. Naik., Additional Government Advocate for respondent Nos.1 to 4, appeared in person.

2. The writ petition is filed seeking following reliefs:

> *"i. Issue a writ in the nature of certiorari and quash the order dated 17.01.2025 bearing No. CO 20 CNS 2025 (E) passed by the Respondent No.2 nominating the Respondent No.7 at Annexure A as a Government Nominee to the Board of Management of Respondent No.5 Society;*
>
> *ii. Issue a writ in the nature of mandamus respondent No.5 to exclude the vote casted by the respondent No.7 in the Meeting held on 23.11.2025 at Annexure-H in respect of sending the delegation or representative to represent the respondent No.6 before the respondent No.5;*
>
> *iii. Pass such other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

3. Counsel for the respective parties urged several contentions. Heard the arguments and perused the papers with care.

4. The controversy in the present case is confined to the appointment of a Government nominee as a member of the Society. It is not in dispute that the petitioners are elected members of the Society and that elections were duly conducted, pursuant to which 13 members were elected, as evidenced by Annexure-F. Thereafter, several meetings were held, and a perusal of Annexure-H indicates that all 13 elected members continue to function as members of the Society as on date. Despite this, the Government, by order dated 17.01.2025, appointed its nominee as a member of the Society. Such appointment is contrary to Section 28A(2) of the Karnataka Co-operative Societies Act, 1959, which prescribes the maximum permissible number of members for the Board of Management of the Society.

Furthermore, Section 28A(4-B) empowers the State Government to nominate a representative only within the minimum and maximum limits prescribed under Section 28A(2). In the present case, 13 members have already been duly elected and are functioning as members of the Society. Disregarding this factual position, the Government has proceeded to nominate its representative as a member of the Society and extend the period of such nomination by a further six months. Such action on the part of the Government is contrary to law and cannot be sustained.

5. For the foregoing reasons, the order passed by respondent No.2 is liable to be set aside.

6. The writ of certiorari is ordered. The order dated 17.01.2025 passed by respondent No.2 vide Annexure-A is quashed.

7. Resultantly, the writ petition is ***allowed***.

On disposal of the Writ Petition, any interim order stands discharged, and any pending interlocutory applications, if any, are disposed of.

Sd/-
(JYOTI M)
JUDGE

AM
List No.: 2 Sl No.: 44