



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 2246 OF 2025 (CS-EL/M)

BETWEEN:

1. SRI M R RUKMANGADHA
S/O LATE S.RAJU,
AGED ABOUT 54 YEARS,
R/AT NO.652, 6TH MAIN, 2ND STAGE,
9TH BLOCK, NAGARABHAVI,
BENGALURU-560072.
MEMBERSHIP NO.2927,
2. SRI.C.NAGARAJU,
S/O CHIKKUSAIAH,
AGED ABOUT 69 YEARS,
R/AT NO.186, 2 'G' MAIN ROAD,
11TH BLOCK, NAGARABHAVI IIND STAGE,
BENGALURU-5600 72.
MEMBERSHIP NO.4.
3. SRI.PARMESH.M.S.
S/O LATE SIDDARAMAIAH.M,
AGED ABOUT 70 YEARS,
R/AT NO.88, 6TH CROSS,
KHB COLONY,
BASVESHWARANAGARA 1ST STAGE,
BENGALURU-560079.
MEMBERSHIP NO.06,
4. SRI.SIDDAIAH.N,
S/O LATE NARASAIAH,
AGED ABOUT 59 YEARS,
R/AT NO.185, 4TH MAIN,
9TH CROSS, OLD GUDADAHALLI,
DEVARAJURS NAGAR,
BENGALURU-5600 26.
MEMBERSHIP NO.60,





5. SRI.KUMARASWAMY.K.S.,
S/O SIDDALINGAMURTHY,
AGED ABOUT 58 YEARS,
R/AT NO. 124, 6TH MAIN ROAD,
OLD GUDDADAHALLI,
DEVARAJURS NAGAR,
BENGALURU-5600 26.
MEMBERSHIP NO.200,
6. SRI.SHIVALINGAIAH.N.C.
S/O CHIKKAIAH,
AGED ABOUT 74 YEARS,
7TH CROSS, R.P.C.LAYOUT,
R/AT NO.75, 7TH MAIN ROAD,
BENGALURU-5600 40.
MEMBERSHIP NO.611,
7. SRI.RANGANATHAIAH,
S/O KAMBAIAH,
AGED ABOUT 61 YEARS,
R/AT NO.102/26,
'NERALU NILAYA'
OPP SRIGANDHANAGARA,
BENGALURU-5600 91.
MEMBERSHIP NO.503,
8. SMT.BHAGHYA.M,
D/O MOTAIAH,
AGED ABOUT 49 YEARS,
R/AT NO.208, 1ST MAIN,
7TH CROSS, JYOTHINAGARA,
(MARUTHINAGAR) CHANDRALAYOUT,
BENGALURU-5600 40.
MEMBERSHIP NO. 1919,
9. SMT.PUSHPALATHA.S,
W/O BHOJANNA.S,
AGED ABOUT 50 YEARS,
R/AT NO.117, 1ST MAIN,
2ND CROSS, IDEAL HOMES,
B.K.LAYOUT, RAJARAJESHWARINAGAR,
BENGALURU-5600 98.
MEMBERSHIP NO. 1905,
10. SRI.PUTTAMADAIAH.B,
S/O BELIYAIAH,



AGED ABOUT 74 YEARS,
R/AT NO. 168, KONANAKUNTE CROSS,
VASANTHANAGARA ROAD,
BENGALURU-5600 62.
MEMBERSHIP NO.451,

11. SRI.MANJUNATHA.M.R.,
S/O S.RAJU,
AGED ABOUT 48 YEARS,
R/AT NO.18, 4TH CROSS,
BASWESHWARANAGAR LAYOUT,
MANGANAHALLI CROSS,
ULLAL MAIN,
BENGALURU-5600 56.
MEMBERSHIP NO.2955,
12. SMT.M.MEENAKSHI,
W/O M.R.RUKMANGADHA,
AGED ABOUT 48 YEARS,
R/AT NO.652, 6TH MAIN, IIND STAGE,
9TH BLOCK, NAGARABHAVI,
BENGALURU-5600 72.
MEMBERSHIP NO.2926,
13. SRI.R.SREENIVASA,
S/O RANGAIAH.R,
AGED ABOUT 54 YEARS,
R/AT NO.76/5, 15TH CROSS,
NEAR WATER TANK,
PEENYA 4TH BLOCK,
BENGALURU-560058.
MEMBERSHIP NO.3360,

...PETITIONERS

(BY SRI. KRISHNA GOWDA B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF CO-OPERATION,
M.S.BUILDING, DR.B.R.AMBEDKAR VEEDI,
BENGALURU-560001.
REP BY ITS SECRETARY
2. THE STATE CO-OPERATIVE ELECTION AUTHORITY,
TTMC BUILDING, IIIRD FLOOR,



'A' BLOCK, SHANTHINAGAR,
K.H.B.ROAD, BENGALURU-5600 27.
REP BY ITS CHAIR PERSON

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
NO. 1, ALIASKAR ROAD,
BENGALURU-560052.
4. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
8TH CROSS, MARGOSA ROAD,
MALLESWARAM, BENGALURU-560003.
5. THE RETURNING OFFICER AND
ASST REGISTRAR OF CO-OPERATIVE SOCIETIES
NO. 1, ALIASKAR ROAD,
BENGALURU-560052.
6. VISWAPRAJNA CO-OPERATIVE CREDIT SOCIETY LTD.,
NO.597, 18TH CROSS, 8TH MAIN,
M.C.LAYOUT, VIJAYANAGARA,
BANGALORE-5600 40.

...RESPONDENTS

(BY SRI. YOGESH D.NAIK., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT, ORDER OR DIRECTION IN THE NATURE OF CERTIORARI BY SETTING ASIDE THE VOTERS LIST DTD. 21.01.2025 AND TO PERMIT THE PETITIONERS TO CAST THEIR VOTE AND ALSO TO CONTEST IN THE ELECTIONS FOR THE TERM 2025 TO 2030 AND ETC.

THIS WRIT PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

**ORAL ORDER**

1. The petitioners are before this Court seeking for the following reliefs:
 - a. *Issue writ, order or direction in the nature of Certiorari by setting aside the voter's list dated 21.01.2025 and to permit the petitioners to cast their vote and also to contest in the Elections for the term 2025 to 2030.*
 - b. *Issue writ of mandamus or any other appropriate writ, order or direction to include the names of the petitioners in the voters list and also permit them to contest in the coming up elections of the R6 Society.*
 - c. *And grant such other relief which this Hon'ble Court deems fit to grant including cost of this petition in the interests of justice.*
2. The grievance of the petitioners was that they were declared ineligible without following the requirements of Clause (ii) of Sub-Rule 2A of Rule 13D of the Karnataka Co-operative Societies Rules, 1960 (for short, 'Rules') inasmuch as no notice six months prior to the date of election has been served on the petitioners by registered post and no opportunity having been given to them to file their objections, if any, within 15 days of service of notice.



3. This Court vide its order dated 28-01-2025 has permitted the petitioners to cast their vote. In pursuance of which, the petitioners have cast their vote in the election held on 9-2-2025. Respondents have filed the Statement of Objections.
4. A perusal of the Statement of Objections indicates that the respondents claim that notice has been issued on 23.1.2025 at Para 6 of the Statement of Objections. The election, as aforesaid, being held on 9.2.2025, even if the notice were to be issued on 23.1.2025, the same would not qualify the requirement of Clause (ii) of Sub-Rule 2A of Rule 13D of the Rules. The same not having been issued within 6 months prior to the date of the election. In that view of the matter, I am of the considered opinion that the declaration and/or holding the petitioners as ineligible is not sustainable in view of the contravention of Clause (ii) of Sub-Rule 2A of Rule 13D of the Rules.



5. General directions:

5.1. There are several matters which are coming up before this Court alleging that a member of the Co-operative Society has been declared ineligible to vote in election to be held by the Society for electing the Directors. In almost all of those matters the contentions are that the requirements of Rule 13D of the Karnataka Co-operative Societies Rules, 1960 have not been followed.

5.2. That contention has been established in the present matter inasmuch as in terms of Clause (ii) of Sub-rule (2A) of Rules 13D the Chief Executive of every Co-operative Society is to send a notice to all ineligible member 15 days prior to six months to the date of the election of the Board by the registered post providing an opportunity to be given to such members to file



their objections, if any, within 15 days of date of notice, which has not been done.

5.3. Apart therefrom there are several other compliances which have to be made in terms of Rule 13D. There is no place particular system which is in place to verify whether these compliance have been made at the activities required have been carried out, most of the times notice issued to the Society though served on the Chief Executive the Society remains unrepresented, there being no Standing Counsel who can be served. This, again makes it difficult for this Court to verify whether the process and procedure under Rule 13D have been filed.

5.4. Similarly, is the case as regards many other aspects of compliance under the Karnataka Co-operative Societies Act 1959, the Karnataka



Co-operative Societies Rules, 1960 and other incidental Rules relating thereto.

5.5. The Act having been come into force in the year 1959, the Rules having come into force thereafter, I am of the considered opinion that it is high time for the Principal Secretary Co-operative Department, the Registrar Co-operative Societies and the Principal Secretary e-Governance Department to implement an Information Technology System to verify and facilitate the compliance with all the requirement of the Act and the Rules.

5.6. Towards this end, it will be required for a common portal to be established by the Principal Secretary Co-operative Department and/or the Registrar Co-operative Societies. Wherein all the Co-operative Societies registered in the State of Karnataka can upload all compliances, make necessary entry as



regard the compliances required to be made by such Co-operative Society.

5.7. The portal be designed in such a manner as to be able to gather and collate all the data required under the Co-operative Societies Act and the Rules. Such that even if the society is not represented, the Registrar of Co-operative Societies can by accessing the portal instruct the Government advocate appearing for the Registrar to make submissions in relation to the compliances.

5.8. The other advantage of the portal being established could also be that, if there are any kind of compliances to be made, automatic reminders could also be sent through the portal to the concerned Co-operative Society, intimating the requirement of compliance, reminding the date of compliance and if there is non-compliance by the date fixed to intimate the Registrar of Co-operative Societies and/or such officer as may be designated of such non-



compliance, so the necessary action could be immediately taken.

5.9. Insofar as Rule 13D is concerned, one of the reasons why the society claims that the compliance has not been made is on account of the notice being required to be sent by Registered post. There being thousands of members, the preparation of Registered post itself takes considerable time and as such there is a delay in sending the Registered post.

5.10. Apart therefrom, it is stated that the cost of sending notices by Registered post is very expensive, putting at distress the meagre financial resources of the Co-operative Society and as such the notices are not sent at all or sent belatedly.

5.11. This aspect will also have to be looked into by the Principal Secretary Co-operative Societies and the Registrar of Co-operative Societies to come up with a more feasible methodology of serving notices on all the members, if



necessary, by making use of Information Technology like e-mail, Short Messaging Services (SMS), WhatsApp, etc. Since most of the notices as regards companies are now being permitted to be served by such modes. D

5.12. A detailed project report as regard the above to be filed within four weeks from today. Learned AGA is directed to instruct all the concerned about the above order.

6. As such, I pass the following:

ORDER

- i) The Writ Petition is allowed.
- ii) A certiorari is issued, notice dated 23.1.2025, insofar as the petitioners are concerned, is quashed. The declaration by the Respondent-Society as the petitioners are ineligible voters is set aside.
- iii) The petitioners having already cast their vote, the respondents are directed to count the said votes and declare the results of the election, if not otherwise injuncted in any other



proceedings, within a period of seven days from the date of receipt of copy of this order.

- iv) Respondents No.1, 2 and 3 are directed to take necessary action against the Chief Executive Officer of Respondent No.3 for not having complied with the mandatory requirements of Clause (ii) of Sub-Rule 2A of Rule 13D of the Rules and file necessary report of the action taken against him within four weeks from today.
- v) Though the above matter is disposed, re-list on 22.4.2025 for filing of detailed project report by the Principal Secretary Co-operative Societies/Registrar of Co-operative Societies, Principal Secretary e-governance Department.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

PRS
List No.: 1 Sl No.: 5