

(1988) 07 KAR CK 0030
In the Karnataka High Court
Case No : W.P. No. 10456 of 1988

A. Basave Gowda

APPELLANT

Vs

Returning Officer and Others

RESPONDENT

Date of Decision : 14-07-1988

Acts Referred:

Karnataka Co-operative Societies Rules, 1960 — Rule 14(A)(5)

Citation : (1989) 1 KarLJ 17

Hon'ble Judges : M. P. Chandrakantharaj Urs, J

Judgement

CHANDRAKANTHARAJ URS, J.-There is no merit in this writ petition.

2. The complaint of the petitioner is that in respect of the result of the election of the Committee of Management of National House Building Co-operative Society, Mysore, was announced by the Returning Officer appointed and not by the Chairman of the Meeting, in contravention of clause (5) of sub-rule (a) of Rule 14 of the Karnataka Co-operative Societies Rules, 1960 (hereinafter referred to as the Rules).

3. The argument is not well founded because the Returning Officer appointed under the provisions of Clause (2). of Rule 14(b) of the Rules exercises all the powers of the Committee of Management and the General Body which includes the Chairman as well. Therefore in respect of election held for societies falling under clause (b)(1) of sub-rule (b) of Rule 14 of the Rules, the Returning Officer is the proper person to declare the results in terms of clause (3) thereof. There is no violation of the Rules.

4. Even if there was violation, it does not in any way impinge on the rights of the petitioner. If the results are otherwise not in accordance with law, the proper course is to challenge the results of the election in a dispute under Sec. 70 of the Karnataka Co-operative Societies Act, 1959.

5. Question of this Court interfering under Art. 226 of the Constitution does not arise.

6. The petition is dismissed.