

(2024) 12 KAR CK 0048

In the Karnataka High Court

Case No : Writ Petition No. 107785 Of 2024 (CS-EL/M)

Bhimavva Talawar & Others

APPELLANT

Vs

State Of Karnataka Represented By Its Principal Secretary
Department Of Co-Operation M.S.Building Bengaluru-560001
& Others

RESPONDENT

Date of Decision : 20-12-2024

Acts Referred:

Karnataka Co-operative Societies Rules, 1960 — Rule 14H

Citation : (2024) 12 KAR CK 0048

Hon'ble Judges : C.M. Poonacha, J

Bench : Single Bench

Advocate : Madangouda N. Patil, Mala D. Bhute

Final Decision : Dismissed

Judgement

C.M. Poonacha, J

1. The present writ petition is filed seeking for the following relief:

"a. Issue writ in the nature of certiorari to quash the impugned list of the candidates for having rejected the nomination of the petitioners to contest the election to the post of Director of the Executive Committee for Prathamik Krishi Pattin Sahakari Niyamit Dhannur village of Hunagund Taluk Bagalkote District dated 15.12.2024 issued by the 4th respondent vide Annexure-C and also quash the impugned list of the candidates for having declared as elected un-opposed, dated 16.12.2024 to the post of Director of the Executive Committee for Prathamik Krishi Pattin Sahakari Niyamit Dhannur village of Hunagund Taluk Bagalkote District issued by the 4th respondent vide Annexure-F,

b. Issue a writ of mandamus directing the 4th respondent to include the name of the Petitioners in the election nomination contesting list dated 15.12.2024, to contest in the election to the post of Director of the Executive Committee for Prathamik Krishi Pattin Sahakari Niyamit Dhannur village of Hunagund taluk

Bagalkote District vide Annexure-D, and thereby conduct the election in accordance with law,

c. Call for the records from the office of the 4th respondent, the by-laws of Prathamik Krishi Pattin Sahakari Niyamit Dhannur village of Hunagund Taluk Bagalkote District for having conducted election and the entire nomination forms along with the documents submitted by them at the time of the filing there nominations.

And

d. to grant such other relief or relief's as this Hon'bel Court deems fit to grant in the facts and in the circumstances of the case"

2. It is the case of the petitioner that he has been disqualified to contest to the post of Director to the Co-operative Society (Prathamik Krishi Pattin Sahakari Sangh Niyamit, Dannur, Taluk:Hunagund, District:Bagalkot) pursuant to the endorsement dated 15.11.2024 (Annexure-C to the writ petition) issued by respondent No.4-Returning Officer. It is forthcoming from the calendar of events dated 06.11.2024 (Annexure-A to the writ petition) that the ballot paper is required to be prepared in terms of the requirement under Rule 14-H of the Karnataka Co-operative Societies Rules, 1960 (Hereinafter referred to as "1960 Rules") as on 18.12.2024.

3. There is no material on record that the same has not yet been done. In view of the aforementioned, this court is of the opinion that any order albeit interim, that may be passed in the present writ petition would tantamount to interference in the calendar of events dated 06.11.2024 (Annexure-A).

4. Having regard to the settled legal position that once the calendar of events has been issued, there should be no interference in the same as held in the case of Kishansing Tomar vs. Municipal Corporation and the City of Ahmedabad and Others (2006) 8 SCC 352, Shri Sant Sadguru Janardan Swami (Moingiri Maharaj) Sahakari Dugdha Utpadak Sanstha and Another vs. State of Maharashtra and Others (2001) 8 SCC 509, Kumar and Others vs. State of Karnataka Order dated 24.10.2008 passed in W.A.No.1215/2008, Lakshmidevi and Others vs. State of Karnataka and Others 2004 (3) KarLJ 451. The relief sought for in the writ petition is not liable to be granted.

5. Hence, the above writ petition is dismissed.