

(2002) 10 KAR CK 0009
In the Karnataka High Court
Case No : Writ Petition No. 14674 of 2002

M.G. Doddegowda and Others	Vs	APPELLANT
State of Karnataka and Others		RESPONDENT

Date of Decision : 03-10-2002

Acts Referred:

Citation : (2003) 2 KarLJ 455

Hon'ble Judges : V. Gopala Gowda, J

Bench : Single Bench

Advocate : Jayakumar S. Patil and S.S. Chikkamath, for the Appellant; Shobha Patil, High Court Government Pleader for Respondents 1 to 3, for the Respondent

Judgement

V. Gopala Gowda, J.—The petitioners are the members of 5th respondent-Hassan District Vokkaligara Sangha. They have filed this writ petition seeking to quash the order at Annexure-N by which Administrator was appointed to the 5th respondent-society for a period of six months. An alternative prayer is made to direct the 2nd respondent to hold election to the governing council of 5th respondent as per the membership as existed on 9-11-2001, the date on which the Administrator was appointed. The grievance of the petitioners is that neither the Administrator nor the Advisory Committee have authority to enroll new members. According to the petitioners, the members enrolled to various categories cannot be treated as members of the society.

2. The Administrator was appointed on the report of the 3rd respondent-District Registrar in which it is stated that general body meeting and elections have not been conducted. This Court has already held that enrolment of members by the Administrator is not valid. In view of the law so laid down by the Apex Court in (1998)2 SCC 267 , the members enrolled by the Administrator to various categories is null and void.

3. The appointment of Administrator was for a period of six months or until charge is handed over to the newly elected members after holding election. In

fact, general body meeting was conducted on 13-5-2001 in which, election was held to the governing council. The term of office of the elected members is three years. Without considering all these aspects, the report was submitted and based on the same the Administrator was appointed in the impugned order, Hence, the same is liable to be quashed.

4. Even otherwise also, the term of the Administrator came to an end. Having regard to the facts and circumstances of the case, it would be suffice to allow the old committee to continue in office until their term is over. Before the expiry of their term, they shall enrol the new members in accordance with the bye-laws and conduct the election immediately after the term of office is over under the strict supervision of 3rd respondent, who shall monitor the functions of the society until next elections.

5. Since the petitioners are duly elected and the appointment of Administrator is liable to be quashed, question of considering alternative prayer of the petitioners to direct the 2nd respondent to hold elections on the basis of membership existed as on 9-11-2001, does not arise.

6. Writ petition is disposed of quashing the impugned order with the observations and directions as above. The Administrator is directed to handover charge of the society to the petitioners immediately.