

(2025) 09 KAR CK 0550

In the Karnataka High Court, Principal Bench

Case No : Writ Petition No. 29151 Of 2025 (CS-EL/M)

Radha & Ors.

APPELLANT

Vs

State Of Karnataka & Ors.

RESPONDENT

Date of Decision : 26-09-2025

Acts Referred:

Citation : (2025) 09 KAR CK 0550

Hon'ble Judges : S Vishwajith Shetty, J

Bench : Single Bench

Advocate : M.L. Vanti, Kirtilata R. Patil

Final Decision : Dismissed

Judgement

R. Nataraj, J

1. The petitioners have sought for a writ in the nature of mandamus to direct the respondent Nos.2 and 5 as well as other respondents to address their grievances vide representations dated 18.09.2025 and 20.09.2025. They have also sought for an appropriate writ to declare that once the voters' list is finalised and the names of eligible voters are published, the same shall not be interrupted, altered or tinkered in view of the clear mandate contained in Rule 13(d)(3)(d) of the Karnataka Co-operative Societies Rules, 1960 (henceforth referred to as 'Rules, 1960' for short).

2. The petitioners are all members of primary cooperative society and are delegates to the respondent No.3. Their names appeared in the eligible voters list which was published for the elections to the managing committee of the respondent No.3 scheduled on 28.09.2025. The petitioners contend that they all belong to a particular political party and they constitute majority of the directors. They contend that the minority directors owe allegiance to the ruling party in the State and therefore, they apprehend that the opponent group may resort to any method to ensure that one of them is either disqualified or excluded from the eligible voters list to tilt the balance in their favour.

3. The petitioners are therefore before this Court seeking the aforesaid reliefs.

4. The learned Additional Government Advocate who has accepted notice for the respondent Nos.1, 4 and 5 submits that as on date, there is no request for disqualification of any of the members of the petitioners. He also contends that as on date there is no complaint or request for excluding any of the names of the petitioners from the eligible voters list. He contends that the apprehension of the petitioners is unfounded and the writ petition being mischievous, is liable to be dismissed. He also contends that the petitioners have attempted to seek for a relief which they are not entitled as no cause of action has arisen for the petitioners to approach this Court.

5. I have considered the submissions of the learned senior counsel for the petitioners as well as the learned Additional Government Advocate for the official respondents.

6. The petitioners have pleaded in the writ petition that there are 32 directors in the respondent No.3 of which, the petitioners who are 16 in number constitute the majority and belong to a particular political party, while the opponent party owes allegiance to another political party. Therefore, the allegation that there could be an attempt to tilt the balance cannot be disbelieved. Having regard to the political wrangling in the co-operative societies, the apprehension of the petitioners cannot be treated as remote but is possible.

7. However, having regard to the submissions of learned Additional Government Advocate for the official respondents that there is no move till date to disqualify any of the petitioners under Section 29(c) of the Karnataka Co-operative Societies Act, 1959 (henceforth referred to as 'Act, 1959' for short) or any other provisions of the Act, 1959 and there is no move to exclude any of the members from the eligible voters list, the apprehension of the petitioners stands suitably addressed. It is needless to mention that once the process of Rule 13(d)(2) of the Rules, 1960 is complied and an eligible voters list is drawn up, the respondent No.4 cannot entertain any request for exclusion of any members from the voters list.

8. In that view of the matter, this writ petition stands disposed off, noting the submission of learned Additional Government Advocate as recorded above.

9. In view of disposal of main petition, interlocutory applications if any, do not survive for consideration and the same stand disposed off.