

(2011) 01 KAR CK 0070
In the Karnataka High Court
Case No : Writ Petition No. 3945 of 2010

Shri S.P. Ramesh

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 11-01-2011

Acts Referred:

Karnataka Co-operative Societies (Amendment) Act, 2009 — Section 98 N (iii) (e), 98 N (iii) (f)

Citation : (2011) 01 KAR CK 0070

Hon'ble Judges : J.S. Khehar, C.J.;A.S. Bopanna, J

Bench : Division Bench

Advocate : S.B. Mukkannappa and Assts, for the Appellant; Basavaraj Kareddy, Prl. G.A. for R-1 and 2, S.N. Murthy and Assts. for R-3, B.S. Vijayalakshmi and K.C. Shanthakumar for R-4 to 6 and S. Prakash Shetty, for R-6, for the Respondent

Judgement

J.S. Khehar, C.J.—Learned Counsel for Respondent No. 4 has approached this Court, so as to assail the vires of Section 98N of clause (iii)(e) and (f) of the Karnataka Co-operative Societies (Amendment) Act, 2009, by filing Writ Petition No. 33652/20.1.0

2. Through the instant petition, the Petitioner had inter alia sought the removal of Respondent No. 4 from the membership of the committee of the society, by-relying on Section 98N(iii)(e) and (f), referred to above. It is, therefore apparent, that the determination of the present controversy would be subject to the decision that may be rendered in Writ Petition No. 33652/2010, filed on behalf of Respondent No. 4.

3. In the peculiar facts and circumstances of the case, learned Counsel for Respondent No A states, that he will move a Misc. W. application, within two weeks from today, so as to implead the Petitioner herein as a party Respondent in Writ Petition No. 33652/2010, without prejudice to the earlier order passed by this Court, declining the application filed by the Petitioner herein to be impeded

as a party Respondent in Writ, Petition No. 33652/2010.

4. In view of the above, we are satisfied, that the instant, writ petition has been rendered in fructuous," inasmuch as, it shall be open to the Petitioner herein to raise all such challenges, as have been raised herein, in the writ petition filed by Respondent No.4.

5. In view of the above, the instant writ petition has to been disposed of, as having been rendered infructuous. Ordered accordingly.