

(2023) 08 KAR CK 0026

In the Karnataka High Court

Case No : Writ Petition No. 18789 Of 2023 (CS-EL/M)

Siddaraju G.S & Others

APPELLANT

Vs

State Of Karnataka & Others

RESPONDENT

Date of Decision : 24-08-2023

Acts Referred:

Citation : (2023) 08 KAR CK 0026

Hon'ble Judges : R Devdas, J

Bench : Single Bench

Advocate : B. Ravindra Prasad, Sidharth Baburao, T.L. Kiran Kumar

Final Decision : Disposed Of

Judgement

R Devdas, J

1. Learned Additional Government Advocate is directed to take notice for respondent Nos.1 and 3 to 5.

Sri.T.L.Kiran Kumar, learned counsel is directed to take notice for respondent No.2.

Notice to respondent No.6 is not necessary for the following reason.

Learned counsel for the petitioners submits that under similar circumstances in W.P.No.18485/2023 this Court recorded the submissions of the learned counsel appearing for the State Co-operative Election Authority that the returning officer shall scrutinize the nomination papers only in accordance with law and he shall not go by the list of persons issued by the Chief Executive Officer of the society who are said to have supplied milk to the society. Only on the ground that the petitioners names are not found in the said list, the petitioners cannot be kept out of the election process. Learned counsel prays for similar orders.

2. Having regard to the orders passed by the Co-ordinate Bench of this Court in the case of H.S.Raju and others /vs./State of Karnataka and others in

W.P.No.8502/2022 dated 07.06.2022, wherein it was held that disqualifying a member of the society without issuing individual notices and hearing them before disqualifying them would be against the principles of natural justice. It was held that unless individual notices are issued to the members calling upon them to show cause as to why they should not be disqualified from the process of election and thereafter, orders are passed disqualifying such persons, by issuance of a blanket notification such members cannot be disqualified. Therefore, for the same reasons, this Court having found that the petitioners in W.P.No.18485/2023 cannot be kept out of the election process, had passed the orders directing the returning officer therein to accept the nomination papers and scrutinize the same only in accordance with law and not go by the list furnished by the Chief Executive Officer/Secretary of the Society, the petitioners are entitled for similar benefit.

3. Consequently, the writ petition stands disposed of while directing respondent No.5-Returning Officer to consider the nomination papers that could be found by the petitioners only in accordance with law and not to go by the list furnished by the Chief Executive Officer/Secretary of the Society and also permit the petitioners to cast their votes.

Ordered accordingly.