

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF MARCH 2015

BEFORE

THE HON'BLE MR. JUSTICE H.G.RAMESH

WRIT PETITION NO.9191/2015 (CS-EL/M)

BETWEEN:

MRS. GIRIJA P.V.
WIFE OF VASUDEVA GOWDA
AGED ABOUT 45 YEARS
PAIKA HOUSE
GUTTIGARU POST
GUTTIGARU VILLAGE
SULYA TALUK
DAKSHINA KANNADA DISTRICT ... PETITIONER

(BY SRI M.G.S. KAMAL, M/S. KAMAL AND BHANU,
ADVOCATES)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
BANGALORE - 560 001
2. KARNATAKA STATE CO-OPERATIVE
SOCIETIES, 3RD FLOOR
PTMC 'A' BLOCK, SHANTHI NAGAR
BANGALORE - 560 027
REPRESENTED BY CHIEF ELECTION OFFICER
3. THE REGISTRAR OF CO-OPERATIVE SOCIETIES
ALI ASKAR ROAD
BANGALORE - 560 001
4. THE ASSISTANT REGISTRAR
OF CO-OPERATIVE SOCIETIES
PUTHUR SUB DIVISION

PUTHUR – 574 201
DAKSHINA KANNADA DISTRICT

5. GUTHIGARU PRIMARY AGRICULTURE
CREDIT CO-OPERATIVE SOCIETY (N)
GUTHIGARU POST – 574 218
SULYA TALUK, DAKSHINA KANNADA
REPRESENTED BY ITS
CHIEF EXECUTIVE OFFICER
6. MR. BALAKRISHNA K.C
AGED ABOUT 49 YEARS
THE RETURNING OFFICER
GUTHIGARU POST – 574 218
SULYA TALUK
DAKSHINA KANNADA DISTRICT
7. BALASUBRAMANYA K.S
SENIOR AUDITOR OF COOPERATIVE SOCIETIES
AGED ABOUT 50 YEARS
DEPUTY REGISTRAR OF COOPERATIVE AUDIT
MANGALORE - 575 101 ... RESPONDENTS

WRIT PETITION FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DT.1.3.2015 REJECTING THE NOMINATION OF THE PETITIONERS
AS FOUND AT SL.NO.3 OF ANNEX-G ISSUED BY R-6 PROPOSING
TO HOLD THE ELECTION TO THE MANAGING COMMITTEE OF R-5
SOCIETY ON 8.3.2015 AT DAKSHINA KANNADA ZILLA
PANCHAYATH MODEL HIGHER PRIMARY SCHOOL, GUTHIGARU
POST, SULYA TALUK ETC.

WRIT PETITION COMING ON FOR ORDERS, THIS DAY, THE
COURT MADE THE FOLLOWING:

ORDER

H.G.RAMESH, J. (Oral):

1. Heard. This writ petition is directed *inter alia* against the order dated 1.3.2015 (Annexure-G) rejecting the petitioner's nomination for election to the managing committee of respondent no.5 – Society.

2. It is relevant to refer to the following observations made by a Full Bench of this Court in Nanjundaswamy vs. A.R.C.S (I.L.R. 1992 KAR 979) relating to exercise of writ jurisdiction in election matters:

"9. The law, in our view, has been laid down by the Supreme Court in Muthusami's case. The Supreme Court accepted the view set out by a Full Bench of the Madhya Pradesh High Court, which said this: "The law therefore is that there is no constitutional bar to the exercise of writ jurisdiction in respect of elections to Local Bodies, such as, Municipalities, Panchayats and the like, but, the High Courts in exercise of their discretion should decline to invoke the writ jurisdiction in an election dispute provided the alternative remedy of an election petition was available."

10. The remedy of an election petition is the remedy that is normally available in election disputes. The principle of law is that once the election process is begun it should not be interfered with. The alternative remedy of an election petition is clearly available to the Writ petitioner under Section 70 of the Act."

(Underlining supplied)

3. Following the law laid down by this Court in the decision referred to above, I decline to entertain this writ petition with liberty to the petitioner to avail of the statutory remedy of an election petition, in accordance with law. In view of dismissal of the writ petition, I.A.No.1/2015 also stands dismissed.

Petition dismissed.

**Sd/-
JUDGE**

hkh.