HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 1ST DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

AND

THE HON'BLE MRS JUSTICE K.G.SHANTHI

WRIT APPEAL NO.100271 OF 2026 (CS-EL/M)
C/W
WRIT APPEAL NO.100272 OF 2026 (CS-EL/M),
WRIT APPEAL NO.100273 OF 2026 (CS-EL/M)

IN WA NO.100271/2026:
BETWEEN:

1. CHIEF EXECUTIVE OFFICER,
IDAGUNDI VIVIDODDESHA PRATHMIKA GRAMINA,
SAHAKARA SANGH LTD., IDAGUNDI, TQ. YELLAPUR,
DIST. UTTARA KANNADA-581337.

2. CHIEF EXECUTIVE OFFICER,
KIRAVATTI VIVIDODDESHA PRATHMIKA GRAMINA,
KRUSHI SAHAKARA SANGH LTD., KIRAVATTI,
TQ. YELLAPUR, DIST. UTTARA KANNADA-581412.

3. CHIEF EXECUTIVE OFFICER,
DEHALLI VIVIDODDESHA PRATHMIKA GRAMINA,
KRUSHI SAHAKRA SANGH LTD., DEHALLI,
TQ. YELLAPUR, DIST. UTTARA KANNADA-581337.

...APPELLANTS

(BY SRI. JAYAKUMAR S. PATIL, SENIOR COUNSEL FOR
SRI. A.P. HEGDE AND SRI. VISHWANATH HEGDE, ADVOCATES)

VINAYAKA B V
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Location: High Court of Karnataka, Dharwad Bench
Date: 2026.07.02 12:59:37 +0530

AND:

1. SUDEEP S/O DEVARU HEGDE,
R/BY C.H.O. OF YELLAPUR TALUK HUTTUVALIGALA
SAHAKARI MARATA SANGHA LTD., YELLAPUR,
TQ. YELLAPUR, DIST. UTTARA KANNADA-581342,
REP. BY ITS CHIEF EXECUTIVE OFFICER.

2. THE MINISTRY OF CO-OPERATIVE SOCIETIES,
GOVERNMENT OF KARNATAKA,

VIKASA SOUDHA, BENGALURU-560001.
REP. BY SECRETARY.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
BELAGAVI REGION, BELAGAVI-590001.

…RESPONDENTS

(BY SRI. VIVEK SUBBA REDDY, SENIOR COUNSEL FOR
SRI. N.V. YAJI, ADVOCATE FOR R1;
SRI. T. HANUMAREDDY, AGA FOR R2 AND R3)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT 1961, PRAYING TO SET ASIDE THE ORDER DATED 16.04.2026 PASSED BY LEARNED SINGLE JUDGE OF HON'BLE HIGH COURT KARNATAKA BENCH AT DHARWAD IN W.P.NO.107485/2025 (CS-EL/M) BY ALLOWING THIS APPEAL AND CONSEQUENTLY W.P.NO.107485/2025 (CS-EL/M) MAY KINDLY BE DISMISSED IN THE INTEREST OF JUSTICE AND ETC.

IN WA NO.100272/2026:
BETWEEN:

IDAGUNDI VIVIDODDESHA PRATHMIKA GRAMEENA,
KRUSHI SAHAKARA SANGH NIYAMITA, IDAGUNDI,
TQ. YELLAPUR, DIST. UTTARA KANNADA-581337.
REP. BY CHIEF EXECUTIVE OFFICER,
SHRI. SHRIPAD SHIVARAM BHAT BHAGWAT.

...APPELLANT

(BY SRI. JAYAKUMAR S. PATIL, SENIOR COUNSEL FOR
SRI. A.P. HEGDE AND SRI. VISHWANATH HEGDE, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA,
R/BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, BENGALURU-560001.

2. REGISTRAR OF CO-OPERATIVE SOCIETIES,
ALIASKAR ROAD, BENGALURU-560001.

3. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
BELAGAVI REGION, BELAGAVI,
SAHAKARA BHAVAN BELAGAVI, BELAGAVI-590001.

4. THE DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
UTTARA KANNADA DISTRICT,
HABBUWADA, KARWAR-581301.

5. THE RETURNING OFFICER,
TAPCMS LTD., YELLAPUR AND CO-OPERATIVE
DEVELOPMENT OFFICER,
YELLAPUR, UTTARA KANNADA DISTRICT-581359.

6. THE ADMINISTRATOR,
YELLAPURA TALUKA HUTTUVALIGALA
SAHAKARI MARATA SANGHA LTD.,
YELLAPUR, UTTARA KANNADA DISTRICT-581359.

7. YELLAPURA TALUK HUTTUVALIGALA SAHAKARI
MARATA SANGHA LTD., YELLAPUR,
UTTARA KANNADA DISTRICT-581359,
REP. BY ITS CHIEF EXECUTIVE OFFICER.

8. SHRI N.V. YAJI,
COUNSEL ON RECORD FOR PETITIONER,
IN WP NO.107485/2025,
OFFICE: NADEGER PLOT,
SADANAKERE, DHARWAD-580008.

9. RAMAKRISHNA S/O NARAYANA HEGADE,
AGE. 65 YEARS, OCC. AGRICULTURE,
R/O KUNTEMANE, POST. NANDULLI,
TQ. YELLAPUR,
UTTARA KANNADA DISTRICT-581359.

10. SMT. PRABHA W/O PRAKASH BAGWAT,
AGE. 55 YEARS, OCC. AGRICULTURE,
R/O BALAKANDA, POST. NANDULLI,
TQ. YELLAPUR,
UTTARA KANNADA DISTRICT-581359.

11. GAJANAN S/O RAMACHANDRA HEGADE,
AGE. 55 YEARS, OCC. AGRICULTURE,
R/O KUNTEMANE, POST. NANDULLI,
TQ. YELLAPUR,
UTTARA KANNADA DISTRICT-581359.

12. SMT. SAVITA W/O VISHVANATH GAONKAR,
AGE. 45 YEARS, OCC. AGRICULTURE,
R/O JAMABULI, POST. KANNIGERI,
TQ. YELLAPUR, UTTARA KANNADA DISTRICT-581359.

…RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1 TO R6;
SMT. KSHEMA J. LOKARE, ADVOCATE FOR R8;
NOTICE TO R7 AND R9 TO R12 ARE SERVED)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 16.04.2026 PASSED BY LEARNED SINGLE JUDGE OF HON'BLE HIGH COURT KARNATAKA BENCH AT DHARWAD IN W.P.NO.102328/2026 (CS-EL/M) BY ALLOWING THIS APPEAL AND CONSEQUENTLY W.P.NO.102328/2026 (CS-EL/M) MAY KINDLY BE DISMISSED IN THE INTEREST OF JUSTICE & ETC.

IN WA NO.100273/2026:
BETWEEN:

IDAGUNDI VIVIDODDESHA PRATHMIKA GRAMINA,
KRUSHI SAHAKARA SANGH NIYAMITA, IDAGUNDI,
TQ. YELLAPUR, DIST. UTTARA KANNADA-581337.
REP. BY CHIEF EXECUTIVE OFFICER,
SHREEPAD S. BHAGWAT.

...APPELLANT

(BY SRI. JAYAKUMAR S. PATIL, SENIOR COUNSEL FOR
SRI. A.P. HEGDE AND SRI. VISHWANATH HEGDE, ADVOCATES)

AND:

1. THE STATE OF KARNATAKA,
R/BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF CO-OPERATION,
M.S. BUILDING, 6TH FLOOR,
BENGALURU-560001.

2. CO-OPERATIVE ELECTION AUTHORITY,
REPRESENTED BY ITS COMMISSIONER,
3RD FLOOR, SHANTI NAGAR, TTMC 'A' BLOCK,
SHANTI NAGAR, BENGALURU-560027.

3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES,
BELAGAVI REGION, BELAGAVI AND ELECTION OFFICER,

TO ALL SECONDARY SOCIETIES BELAGAVI REGION,
DIST. BELAGAVI-590001.

4. DEPUTY REGISTRAR OF CO-OPERATIVE SOCIETIES,
UTTARA KANNADA DISTRICT, KARWAR,
U.K. DISTRICT-581301.

5. RETURNING OFFICER,
T.A.P.C.M.S. LTD., YELLAPUR AND
CO-OPERATIVE DEVELOPMENT OFFICER,
YELLAPUR, U.K. DISTRICT-581301.

6. YELLAPURA TALUKA OKKALUTANA HUTTUVALI MARATA
SAHAKARI SANGH NIYAMITA YELLAPUR,
UTTARA KANNADA DISTRICT-581359,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER.

…RESPONDENTS

(BY SRI. T. HANUMAREDDY, AGA FOR R1, R3 TO R5;
SRI. G.V. BHARAMAGOUDAR, ADVOCATE FOR R2;
SRI. VIVEK SUBBA REDDY, SENIOR COUNSEL FOR
SRI. N.V. YAJI, ADVOCATE FOR R6)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING TO SET ASIDE THE ORDER DATED 16.04.2026 PASSED BY LEARNED SINGLE JUDGE OF HON'BLE HIGH COURT KARNATAKA BENCH AT DHARWAD IN W.P.NO.106790/2025 (CS-EL/M) BY ALLOWING THIS APPEAL AND CONSEQUENTLY W.P.NO.106790/2025 (CS-EL/M) MAY KINDLY BE ALLOWED IN THE INTEREST OF JUSTICE AND ETC.

THESE WRIT APPEALS HAVING BEEN HEARD AND RESERVED ON 16.06.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
HON'BLE MRS JUSTICE K.G.SHANTHI

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV)

These writ appeals have been filed assailing the order of the learned Single Judge passed in common as regards W.P.No.102328/2026, W.P.No.106790/2025 and W.P.No.107485/2025. Though the learned Single Judge had also disposed of W.P.No.107678/2025, the present set of writ appeals do not assail the order passed in the said petition.

2. The details of challenge by the respective parties:

Writ Appeal Number	Order Impugned	Description of the Parties	Rank in Writ Petition
Writ Appeal No.100271/2026	Writ Petition No.107485/2025	Chief Executive Officer Idagundi Vividoddesha Prathmika Gramina Sahakara Sangh Ltd., Idagundi	Respondent No.3
		Chief Executive Officer, Kiravatti Vividoddesha Prathmika Gramina Krushi Sahakara Sangh Ltd., Kiravatti	Respondent No.4
		Chief Executive Officer, Dehalli Vividoddesha Prathmika Gramina Krushi Sahakara Sangh Ltd., Dehalli.	Respondent No.5
		Sri. Sudeep, S/o Devaru Hegde	Petitioner

		The Ministry of Cooperative Societies	Respondent No.1
		The Joint Registrar of Cooperative Societies	Respondent No.2
Writ Appeal No.100272/2026	Writ Petition No.102328/2026	Idagundi Vividoddesha Prathmika Gramina Sahakara Sangh Ltd., Idagundi	Not a Party
		State of Karnataka	Respondent No.1
		Registrar of Cooperative Societies	Respondent No.2
		Joint Registrar of Cooperative Societies, Belagavi	Respondent No.3
		Deputy Registrar of Cooperative Societies, Uttara Kannada	Respondent No.4
		Returning Officer, TAPCMS Ltd., Yellapur and Cooperative Development Officer, Yellapur	Respondent No.5
		The Administrator, Yellapura Taluka Huttuvaligala Marata Sahakari Sangh Niyamita, Yellapur	Respondent No.6
		Yellapura Taluka Huttuvaligala Marata Sahakari Sangh Niyamita, Yellapur	Respondent No.7
		Sri.N.V.Yaji	Respondent No.8
		Sri.Ramakrishna, S/o Narayana Hegde	Petitioner No.1
		Smt.Prabha W/o Prakash Bagwat	Petitioner No.2
		Sri.Gajanan S/o Ramachandra Hegade	Petitioner No.3
		Smt.Savita W/o Vishvanath Gaonkar	Petitioner No.4

Writ Appeal No.100273/2026	Writ Petition No.106790/2025	Idagundi Vividoddesha Prathmika Gramina Sahakara Sangh Ltd., Idagundi	Petitioner
		State of Karnataka	Respondent No.1
		Cooperative Election Authority	Respondent No.2
		Joint Registrar of Cooperative Societies, Belagavi	Respondent No.3
		Deputy Registrar of Cooperative Societies, Uttara Kannada	Respondent No.4
		Returning Officer, TAPCMS Ltd., Yellapura and Cooperative Development Officer, Yellapur	Respondent No.5
		Yellapura Taluka Okklutana Huttuvali Marata Sahakari Sangh Niyamita, Yellapur	Respondent No.6

3. The brief facts leading to the present litigation are that the Yellapura Taluk Huttuvaligala Sahakari Marata Sangha Limited (hereinafter referred to as 'Yellapura Society') which is a Secondary Co-operative Society, was governed by its by-laws. The controversy revolves around by-law No.30 prior to amendment which provided for election to Board of Directors by separate Electorate consisting of 'A' Class and 'B' Class Members respectively.

4. By-law No.30 as originally existed providing for election of the Managing Committee reads as follows:

> **30 ನಿರ್ದೇಶಕ ಮಂಡಳಿಯು ಈ ಕೆಳಗಿನ ಪ್ರತಿನಿಧಿಗಳನ್ನು ಒಳಗೊಂಡಿರಬೇಕು.**
>
> ಅ) 'ಅ' ವರ್ಗದ ಸದಸ್ಯರಿಂದ ಚುನಾಯಿಸಲ್ಪಟ್ಟ 'ಅ' ವರ್ಗದ ಸದಸ್ಯರ ಪ್ರತಿನಿಧಿಗಳು : ಎಳು
>
> ಬ) 'ಬ' ವರ್ಗದ ಸದಸ್ಯರಿಂದ ಚುನಾಯಿಸಲ್ಪಟ್ಟ 'ಬ' ವರ್ಗದ ಸದಸ್ಯರ ಪ್ರತಿನಿಧಿಗಳು : ಎರಡು
>
> ಇ) ಮಧ್ಯವರ್ತಿ ಬ್ಯಾಂಕಿನಿಂದ ನಾಮಕರಣ ಮಾಡಲ್ಪಟ್ಟ ಒಬ್ಬ ಪ್ರತಿನಿಧಿ.
>
> ಈ) ಈ ಉಪನಿಬಂಧನೆಗಳಲ್ಲಿ ಏನೇ ಇದ್ದಾಗ್ಯೂ ರಾಜ್ಯ ಸರಕಾರ ಅಥವಾ ಸರಕಾರದಿಂದ ಅಧಿಕಾರ ಹೊಂದಿದ ಅಧಿಕಾರಿಯಿಂದ ಕಾಯ್ದೆಯ ಮೇರೆಗೆ ನಾಮಕರಣ ಮಾಡಲ್ಪಟ್ಟ ಸರಕಾರದ ಪ್ರತಿನಿಧಿ.
>
> ವಿವರಣೆ: ಯಾವೊಂದು 'ಆ' ವರ್ಗದ ಸದಸ್ಯನು ಸಂಘದ ನಿರ್ದೇಶಕ ಮಂಡಳಿಯಲ್ಲಿ ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಪ್ರಾತಿನಿಧ್ಯವನ್ನು ಹೊಂದಲು ಬರಲಾರದು.

5. In terms of the said by-law, seven members of the Managing Committee representing the 'A' Class were to be elected by the members in 'A' Class and two members of the Managing Committee representing the 'B' Class were to be elected by the members in 'B' Class. However, such by-law came to be amended in 1998.

6. By-law No.30 of the Yellapur Society renumbered as by-law No.40 reads as follows:

40. ಆಡಳಿತ ಮಂಡಳಿ ರಚನೆ ಹಾಗೂ ಅವಧಿ

1. ಸಂಘದ ಆಡಳಿತ ಮಂಡಳಿಯಲ್ಲಿ ಗರಿಷ್ಠ 15 ಸದಸ್ಯರು ಇರತಕ್ಕದ್ದು.
2. ಸಂಘದಲ್ಲಿ ಸಹಕಾರಿ ಕಾಯ್ದೆ ಹಾಗೂ ಉಪನಿಯಮದಂತೆ ಮತದಾನಕ್ಕೆ ಅರ್ಹತೆ ಹೊಂದಿದ **"ಅ"** ವರ್ಗದ ಹಾಗೂ **"ಬ"** ವರ್ಗದ ಎಲ್ಲಾ ಸದಸ್ಯರಿಂದ ಆಯ್ಕೆ ಆಗತಕ್ಕ 14 ಪ್ರತಿನಿಧಿಗಳು ಈ ಕೆಳಗಿನಂತೆ ಇರತಕ್ಕದ್ದು.

01. 6 ಸ್ಥಾನಗಳು **"ಅ"** ವರ್ಗದ ಸಹಕಾರಿ ಸಂಘಗಳಿಂದ
02. 2 ಸ್ಥಾನಗಳು **"ಬ"** ವರ್ಗದ ವ್ಯಕ್ತಿ ಸದಸ್ಯರಿಂದ.
03. 2 ಸ್ಥಾನಗಳು ಮಹಿಳಾ ಪ್ರತಿನಿಧಿಗಳಿಂದ.
04. 1 ಸ್ಥಾನ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಪ್ರತಿನಿಧಿಗಳಿಂದ.
05. 1 ಪರಿಶಿಷ್ಟ ವರ್ಗಗಳ ಪ್ರತಿನಿಧಿಗಳಿಂದ.
06. 2 ಸ್ಥಾನಗಳನ್ನು ಹಿಂದುಳಿದ ವರ್ಗಗಳಿಗೆ ಮೀಸಲಾಗಿಡತಕ್ಕದ್ದು. ಆದರೆ ಪ್ರಥಮ ಆಡಳಿತ ಮಂಡಳಿಗೆ 2 ಸ್ಥಾನಗಳನ್ನು 'ಎ' ಪ್ರವರ್ಗದ ಅಭ್ಯರ್ಥಿಗಳಿಂದ, ದ್ವಿತಿಯ ಮತ್ತು ತೃತೀಯ ಬಾರಿಗೆ ಪ್ರವರ್ಗ 'ಎ' ಮತ್ತು ಪ್ರವರ್ಗ 'ಬಿ' ಇಂದ ತಲಾ ಒಂದು ಸ್ಥಾನವನ್ನು ನಾಲ್ಕನೇ ಬಾರಿಗೆ ಎರಡು ಸ್ಥಾನಗಳನ್ನು 'ಎ' ಪ್ರವರ್ಗದ ಅಭ್ಯರ್ಥಿಗಳಿಂದ ತುಂಬತಕ್ಕದ್ದು. ಈ ಪ್ರಕ್ರಿಯೆಯು ಅನುಕ್ರಮವಾಗಿ ಮುಂದುವರೆಯತಕ್ಕದ್ದು.

3. 1 ಸ್ಥಾನ ಜಿಲ್ಲಾ ಮಧ್ಯವರ್ತಿ ಬ್ಯಾಂಕಿನಿಂದ ನಾಮಕರಣ ಮಾಡಲ್ಪಟ್ಟ ಪ್ರತಿನಿಧಿಗಳಿಂದ.

4. ಕಾಯಿದೆ ಹಾಗೂ ಪೋಟ ನಿಯಮಗಳ ಪ್ರಕಾರ ಚುನಾಯಿತರಾದ ಆಡಳಿತ ಮಂಡಳಿಯ ಅಧಿಕಾರಾವಧಿಯು ಐದು ಸಹಕಾರಿ ವರ್ಷಗಳವರೆಗೆ ಇರತಕ್ಕದ್ದು. ಈ ಅವಧಿಯು ಮುಕ್ತಾಯವಾಗುವ ದಿನಾಂಕಕ್ಕೆ ಮುನ್ನ 5 ದಿನಗಳೊಳಗಾಗಿ ಕಾಯಿದೆ ಹಾಗೂ ನಿಯಮಗಳ ಪ್ರಕಾರ ಪೂರ್ಣ ಆಡಳಿತ ಮಂಡಳಿಗೆ ಚುಣಾವಣೆ ನಡೆಸತಕ್ಕದ್ದು.

ಟಿಪ್ಪಣಿ: ಸಹಕಾರಿ ವರ್ಷವೆಂದರೆ ಏಪ್ರಿಲ್ 1 ರಿಂದ ಪ್ರಾರಂಭವಾಗಿ ಮುಂದಿನ ಮಾರ್ಚ 31ಕ್ಕೆ ಕೊನೆಗೊಳ್ಳುವ 12 ತಿಂಗಳ ಅವಧಿ ಆಗಿದ್ದು, ಈ ಮಧ್ಯೆದಲ್ಲಿ ಆಡಳಿತ ಮಂಡಳಿ ಚುನಾವಣೆ ನಡೆದಲ್ಲಿ ಮಂಡಳಿಯ ಪರಮಾವಧಿಯನ್ನು ಲೆಕ್ಕಹಾಕುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಹಕಾರಿ ವರ್ಷದ ಉಳಿದ ಭಾಗವನ್ನು ಈ ಉದ್ದೇಶಕ್ಕಾಗಿ 1 ಸಹಕಾರ ವರ್ಷವೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.

7. In terms of the amended by-law, the Managing Committee consisting of 15 members would contain 14 representatives of 'A' and 'B' Class with six members representing 'A' Class Cooperative Societies and two members representing 'B' Class which consists of individual members. However, the election of representatives of 'A' and 'B' Class would be by a common electorate constituting 'A' Class and 'B' Class Members.

8. By-law No.30 came to be amended in 1998 as by-law No.40. However, the amendment came to be rejected by order dated 17.09.1998 by the Deputy Registrar. Challenging such order of rejection of amendment to the by-law, an appeal came to be filed by the Yellapura Society before the Joint Registrar of Co-operative Society.

9. The appeal came to be allowed by order dated 04.12.1998. An observation was made in the said order that the election of Board of Directors constituting the

Managing Committee by a common electorate constituted by all members of the Society was in consonance with Rule 13(2)(a) of the Karnataka Cooperative Societies Rules, 1960 [hereinafter referred to as "the Rules"]. It was specifically observed that the amendment made would not be in violation of stipulation under Section 12 of the Karnataka Co-operative Societies Act, 1959 [hereinafter referred to as "the Act"].

10. The Idagundi Primary Society, Kiravatti Primary Society and Dehalli Primary Society (hereinafter referred to as "Primary Society") who were members of the Yellapura Secondary Society filed a Revision under Section 108 of the Act, challenging the order passed in Appeal JRL.BDAP:6:1998-99 dated 04.12.1998. The Revision Petition filed in the year 2025 had assailed the order of 04.12.1998 whereby the amendment to the by-law in the form of by-law No.40 was upheld.

11. During the pendency of the revision proceedings, the elections were to be held as the term of the office bearers had come to an end. The Cooperative Election Authority issued a direction to the Returning Officer as regards the electorate that would elect the Managing Committee of the Society.

12. The Revisional Authority after a detailed consideration set aside the order of the Appellate Authority dated 04.12.1998 after condoning the delay in filing the revision petition. By virtue of such order, the rejection of amendment to the by-law stood affirmed. The Revisional Authority in coming to its conclusion had observed as follows:

a) As the Yellapura Society consisted of 13 Cooperative Societies as 'A' Class Members and also a large number of individual members, having a common electorate would prejudice interests of the 13 Cooperative Societies which were its members.

b) In light of the requirement of representation of both classes in the Managing Committee, the impugned order passed would be inconsistent with the objectives of a Secondary Cooperative Society.

c) Though the proceedings were initiated after a delay of 27 years, as the amendment to the By-law was a continuing violation of the principles of the Cooperative Societies Act and as grievance was a continuing cause of action the delay could be condoned.

13. The order of the Revisional Authority was passed on 18.09.2025 which came to be challenged before this Court. The subsequent events leading upto the filing of the present writ appeals are detailed as follows:

Date	Event / Description
22.09.2025	The Yellapura Society (represented by CEO Sudeep Hegde) filed W.P.No.107485/2025 before this Court, challenging the revision order

	dated 18.09.2025 and had sought for continuation of the election process in terms of the Calendar of Events.
24.09.2025	In the writ proceedings, the Court granted an interim order and directed that temporary arrangement allowing two separate ballot papers for the two electoral colleges (Class 'A' and Class B) to be kept separately.
28.09.2025	Polling for the election of the Managing Committee of the Society took place. However, due to interim order passed in the connected petition (W.P. No. 106790/2025), the Returning Officer was restrained from announcing the results, and they were withheld.
13.10.2025	The term of the existing Governing Body of the Society officially expired.
14.10.2025	The Deputy Registrar of Co-operative Societies, Uttara Kannada District, passed Order No. DRN/ELECTION/XRO/CR-01/2025-26 appointing the Assistant Registrar of Co-operative Societies, Sirsi Sub-Division, as the Temporary Administrator of the Society.
15.10.2025	The newly appointed Assistant Registrar of Sirsi formally assumed charge of the Society's

	administrative affairs.
16.10.2025	This Court granted interim order in W.P.No. 107678/2025 directing the Administrator not to assume charge if he hadn't already done so. Since charge was assumed on the 15.10.2025, it was contended that the interim order passed had been rendered infructuous.
20.02.2026	The Administrator tendered his official resignation.
23.02.2026	The Deputy Registrar issued a modification order appointing a new Administrator to substitute the resigned official.
25.02.2026	The new Administrator (6th Respondent in W.A.100272/2026) formally assumed operational charge of the Society.
09.03.2026	The new Administrator passed a resolution directing the counsel on record to withdraw the W.P. No. 107485/2025 pending before this court.
10.03.2026	Four members of the Society (Ramakrishna and others) filed a fresh writ petition challenging the Administrator’s resolution dated 09.03.2026 on ground of lack of jurisdiction.

16.04.2026	The learned Single Judge of this court passed a common order as under: 1. W.P.No. 102328/2026 ALLOWED: Administrator's withdrawal resolution quashed. 2. W.P.No. 106790/2025 DISMISSED: Mandamus denied; Returning Officer ordered to announce results within 1 week. 3. W.P.No. 107485/2025 ALLOWED: Ministry's revision order dated 18.09.2025 quashed. 4. W.P.No. 107678/2025 DISPOSED OF: Deemed infructuous.
17.04.2026	The petitioner in W.P.No.107485/2025 filed caveat petition.
25.04.2026	The three Primary Societies (Idagundi, Kiravatti, and Dehalli) preferred Writ Appeal No. 100271/2026 and connected appeals before the Division Bench challenging the Single Judge's common order.
28.04.2026	The Division Bench of this Court issued an order of *status quo* on the counting process and directed the Administrator to remain in office, and made notices returnable by June.

25.05.2026	The Hon'ble Supreme Court heard and dismissed Special Leave Petitions (SLP Nos. 18134/2026, 18385/2026, and 18892/2026) filed against the High Court's interim order dated 28.04.2026. While declining to interfere and without expressing any opinion on the merits, the Supreme Court requested the Division Bench of the High Court to dispose of the writ appeals as expeditiously as possible, preferably within three months.
25.04.2026	Writ Appeal No. 100271/2026 along with connected appeals (W.A.No. 100272/2026 & W.A.No. 100273/2026) are pending disposal before this court.

14. While the Revision Petition was pending consideration, the election schedule for the election of the Managing Committee which included the Board of Directors was notified on 30.06.2025. On 05.08.2025, a direction was issued by the Commissioner of the Cooperative Election Authority to the Joint Registrar of Cooperative Societies, Belagavi Division. While acting on the request of the Yellapura Society to issue direction

under Rule 13 (3) with respect to the scheduled elections, the following direction was issued:

> "ಸದರಿಯವರ ಮನವಿಯನ್ನು ಹಾಗೂ ಸಂಘದ ಬೈಲಾವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಬೈಲಾ ಸಂಖ್ಯೆ 40 "ಆಡಳಿತ ಮಂಡಲಿ ರಚನ ಮತ್ತು ಅವಧಿ" ಇದರಲ್ಲಿ 40(2) ಸಹಕಾರಿ ಕಾಯ್ದೆ ಮತ್ತು ಉಪನಿಯಮದಂತೆ ಮತದಾನಕ್ಕೆ ಅರ್ಹತೆ ಹೊಂದಿದ "ಅ" ವರ್ಗದ ಮತ್ತು "ಬ" ವರ್ಗದ ಎಲ್ಲಾ ಸದಸ್ಯರಿಂದ 14 ಪ್ರತಿನಿಧಿಗಳನ್ನು ಆಯ್ಕೆಮಾಡಬೇಕೆಂದು ಇರುತ್ತದೆ. ಆದರೆ 40(2)(01) ರಲ್ಲಿ 6 ಸ್ಥಾನಗಳು "ಅ" ವರ್ಗದ ಸಹಕಾರ ಸಂಘಗಳಿಂದ ಆಯ್ಕೆ ಮಾಡತಕ್ಕದಾಗಿರುತ್ತದೆ ಎಂದು ಇರುವುದರಿಂದ ಅದಕ್ಕನುಗುಣವಾಗಿ ಸಂಘದ ಆಡಳಿತ ಮಂಡಲಿ ಸದಸ್ಯರ ಚುನಾವಣೆಗೆ ಕ್ರಮವಿಡುವಂತೆ ಸೂಚಿಸಿದೆ."

15. The interpretation of such direction has been clarified by way of affidavit filed in W.P.No.106790/2025. The averments in para 5 and 6 of the said affidavit are extracted as below:

> *"It is submitted that this authority in its letter dated 05.08.2025 to the respondent No.3 i.e., Joint Registrar of Cooperative Societies to follow the terms of the Bye-law No.40 (2) which provides that 14 representatives shall be elected from all the members of the category 'A' and 'B' who are eligible to vote as per the Cooperative Societies Act and the bye-laws of the society.*

Bye-law No.40 (2) (01) provides that that 6 representatives are to be elected from category 'A' cooperative societies. It is specifically mentioned that the delegates of the cooperative societies have to participate in the electoral process as mentioned in the manner under section 21 (2) (a) of the Karnataka Cooperative Societies Act 1959 and the remaining is as mentioned in para No.3 & 4.

It is further submitted that this authority is not exercising the powers under sub rule (3) of Rule 13 of Karnataka Cooperative Societies Rules 1960 as the electoral collegium has been clearly defined under Bye-law No.40(2) of the respondent 6 society."

16. As the Calendar of Events itself was notified even prior to pronouncement of the order in the Revision Petition, W.P.No.106790/2025 came to be filed by the Idagundi Society seeking for a direction to the Returning Officer to follow the direction dated 05.08.2025 issued by the Cooperative Election Authority.

17. The order passed by the Revisional Authority allowing the Revision Petition and rejecting the amendment made came to be challenged by way of a Writ. The multiple writ petitions filed with details of the order challenged and the prayers are reflected in the table below:

Writ Petition Number	**Order Challenged**	**Relief Sought**	**Result of the Writ Petition**
W.P. No. 107485/2025	Revisional Order No. CO/78/CAP/ 2025 dated 18.09.2025 passed by the Ministry of Co-operative Societies (which condoned a 27-year delay and set aside the appellate order of 1998 which had approved the Bye-law amendment).	**Writ of Certiorari** to quash the Ministry's revision order dated 18.09.2025; a declaration that the Revision Application was not maintainable due to gross delay/suppression; and a direction to continue the election	**Allowed:** The learned Single Judge quashed the revision order, holding that inordinate delay of 27 years could not be condoned without sufficient cause.

		process.	
W.P. No. 106790/2025	The action/omission of the Returning Officer in publishing the Calendar of Events on 06.09.2025 without incorporating the Co-operative Election Authority's class-wise voting directions dated 05.08.2025.	**Writ of Mandamus** directing the Returning Officer to strictly enforce the Co-operative Election Authority's direction dated 05.08.2025, ensuring that 6 Class A directors are elected exclusively by Class A institutional members.	**Dismissed** Held that since the election process had already commenced upon publication of the Calendar of Events, the writ court could not intervene. The Returning Officer was directed to announce the results within one week.
W.P. No. 107678/2025	Order No. DRN/ELECTION/XRO /CR-01/2025-26 dated 14.10.2025 issued by the Deputy Registrar appointing an Assistant Registrar	**Writ of Certiorari** to quash the appointment order of the Administrator dated 14.10.2025.	**Disposed of:** Held that nothing survived for consideration as the Administrator had already

	as the Administrator of the Society.		assumed operational charge on 15.10.2025 before the interim order passed in the writ proceedings could take effect.
W.P. No. 102328/2026	The resolution dated 09.03.2026 passed by the Administrator directing the counsel on record to withdraw the Society's writ petition (WP 107485/2025).	**Writ of Certiorari** to quash the resolution dated 09.03.2026 and a declaration that the Administrator holds no legal authority to withdraw or interfere with pending litigation filed on behalf of the Society.	**ALLOWED:** The resolution was quashed. Held that a Administrator's power is restricted to limited day-to-day administrative functions and lacks the jurisdiction to take major policy or legal rollback decisions.

18. It is a matter of record that the order of the learned Single Judge dated 16.04.2026 rendered in common came to be challenged and despite election process having begun, there was an interim order on 28.04.2026 in W.A.No.100271/2026 which reads as follows:

> *"……..*
>
> *Apart from the merits of the orders in this regard, this Court must observe that the question as aforesaid must be resolved based on the amended provision itself and the directions issued by the Election Authority under Rule 13(2) and (3) of the Karnataka Co-operative Societies Rules, 1960 with Sri Jayakumar S. Patil stating that these aspects have not been considered by the Writ Court in the impugned order and that the following interim arrangement was in place during the pendency of the writ petitions:*
>
> *[a] An interim order was granted by the Writ Court for two separate ballot papers for the two electoral colleges and the votes cast in terms thereof to be kept separately.*

[b] An administrator is appointed, but his term is about to expire and there is a writ petition pending.

Sri N. V. Yaji seeking to elaborate submits that the appellants are raising a controversy in this regard after 27 years and they have cast their votes and also contested elections as part of common Electoral College during the earlier years.

On a careful consideration of all these circumstances, this Court is of the view that the Writ Court's impugned common order must be stayed directing the Authorities to maintain status quo as regards the common counting of votes that should be in terms of the Writ Court's order. This arrangement shall be in force until the next date of hearing."

19. This interim order came to be challenged before the Apex Court (in SLP Nos. 18134/2026, 18385/2026 and 18892/2026). The Apex Court while declining to interfere with the interim order passed by the Division Bench requested the Court to dispose of the writ appeal itself

within a period of three months. Accordingly, the appeals have been taken up for consideration.

W.A.No.100271/2026 (Filed against the order passed in W.P.No.107485/2025)

20. The framework governing constitution of the Managing Committee as well as power of the Co-operative Election Authority as contained in the statutory provisions of the Karnataka Co-operative Societies Act, 1959 and the Karnataka Co-operative Societies Rules, 1960 as well as by-laws would be as follows:

> Section 2(j2) defines Secondary Society as follows:
>
> "Secondary Society" means a Cooperative Society whose membership is also open to another Cooperative Society.

21. The Yellapur Society is a Secondary Society whose membership is open to Co-operative Societies as well as individuals. The relevant by-law which governs the constitution of the Managing Committee and Elections is contained in by-law No.40 and extract of by-law No.40 (1)

and (2) and the unamended by-law No.30 are extracted as below:

Old By-law **By-law No.30**	**New By-law** **By-law No.40 (1) and (2)**
30 ನಿರ್ದೇಶಕ ಮಂಡಳಿಯು ಈ ಕೆಳಗಿನ ಪ್ರತಿನಿಧಿಗಳನ್ನು ಒಳಗೊಂಡಿರಬೇಕು. ಅ) 'ಅ' ವರ್ಗದ ಸದಸ್ಯರಿಂದ ಚುನಾಯಿಸಲ್ಪಟ್ಟ 'ಅ' ವರ್ಗದ ಸದಸ್ಯರ ಪ್ರತಿನಿಧಿಗಳು : ಎಳು ಬ) 'ಬ' ವರ್ಗದ ಸದಸ್ಯರಿಂದ ಚುನಾಯಿಸಲ್ಪಟ್ಟ 'ಬ' ವರ್ಗದ ಸದಸ್ಯರ ಪ್ರತಿನಿಧಿಗಳು : ಎರಡು ಇ) ಮಧ್ಯವರ್ತಿ ಬ್ಯಾಂಕಿನಿಂದ ನಾಮಕರಣ ಮಾಡಲ್ಪಟ್ಟ ಒಬ್ಬ ಪ್ರತಿನಿಧಿ. ಈ) ಈ ಉಪನಿಬಂಧನೆಗಳಲ್ಲಿ ಏನೇ ಇದ್ದಾಗ್ಯೂ ರಾಜ್ಯ ಸರಕಾರ ಅಥವಾ ಸರಕಾರದಿಂದ ಅಧಿಕಾರ ಹೊಂದಿದ ಅಧಿಕಾರಿಯಿಂದ ಕಾಯ್ದೆಯ ಮೇರೆಗೆ ನಾಮಕರಣ ಮಾಡಲ್ಪಟ್ಟ ಸರಕಾರದ ಪ್ರತಿನಿಧಿ. ವಿವರಣೆ: ಯಾವೊಂದು 'ಆ' ವರ್ಗದ ಸದಸ್ಯನು ಸಂಘದ ನಿರ್ದೇಶಕ ಮಂಡಳಿಯಲ್ಲಿ ಒಂದಕ್ಕಿಂತ ಹೆಚ್ಚು ಪ್ರಾತಿನಿಧ್ಯವನ್ನು ಹೊಂದಲು ಬರಲಾರದು.	**40**. ಆಡಳಿತ ಮಂಡಳಿ ರಚನೆ ಹಾಗೂ ಅವಧಿ **1**. ಸಂಘದ ಆಡಳಿತ ಮಂಡಳಿಯಲ್ಲಿ ಗರಿಷ್ಠ 15 ಸದಸ್ಯರು ಇರತಕ್ಕದ್ದು. **2**. ಸಂಘದಲ್ಲಿ ಸಹಕಾರಿ ಕಾಯ್ದೆ ಹಾಗೂ ಉಪನಿಯಮದಂತೆ ಮತದಾನಕ್ಕೆ ಅರ್ಹತೆ ಹೊಂದಿದ "ಅ" ವರ್ಗದ ಹಾಗೂ "ಬ" ವರ್ಗದ ಎಲ್ಲಾ ಸದಸ್ಯರಿಂದ ಆಯ್ಕೆ ಆಗತಕ್ಕ 14 ಪ್ರತಿನಿಧಿಗಳು ಈ ಕೆಳಗಿನಂತೆ ಇರತಕ್ಕದ್ದು. **01**. 6 ಸ್ಥಾನಗಳು "ಅ" ವರ್ಗದ ಸಹಕಾರಿ ಸಂಘಗಳಿಂದ **02**. 2 ಸ್ಥಾನಗಳು "ಬ" ವರ್ಗದ ವ್ಯಕ್ತಿ ಸದಸ್ಯರಿಂದ. **03**. 2 ಸ್ಥಾನಗಳು ಮಹಿಳಾ ಪ್ರತಿನಿಧಿಗಳಿಂದ. **04**. 1 ಸ್ಥಾನ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಪ್ರತಿನಿಧಿಗಳಿಂದ. **05**. 1 ಪರಿಶಿಷ್ಟ ವರ್ಗಗಳ ಪ್ರತಿನಿಧಿಗಳಿಂದ. **06**. 2 ಸ್ಥಾನಗಳನ್ನು ಹಿಂದುಳಿದ ವರ್ಗಗಳಿಗೆ ಮೀಸಲಾಗಿಡತಕ್ಕದ್ದು. ಆದರೆ ಪ್ರಥಮ ಆಡಳಿತ ಮಂಡಳಿಗೆ 2 ಸ್ಥಾನಗಳನ್ನು 'ಎ' ಪ್ರವರ್ಗದ ಅಭ್ಯರ್ಥಿಗಳಿಂದ, ದ್ವಿತೀಯ ಮತ್ತು ತೃತೀಯ ಬಾರಿಗೆ ಪ್ರವರ್ಗ 'ಎ' ಮತ್ತು ಪ್ರವರ್ಗ 'ಬಿ' ಇಂದ ತಲಾ ಒಂದು ಸ್ಥಾನವನ್ನು ನಾಲ್ಕನೇ ಬಾರಿಗೆ ಎರಡು ಸ್ಥಾನಗಳನ್ನು 'ಎ' ಪ್ರವರ್ಗದ ಅಭ್ಯರ್ಥಿಗಳಿಂದ ತುಂಬತಕ್ಕದ್ದು. ಈ ಪ್ರಕ್ರಿಯೆಯು ಅನುಕ್ರಮವಾಗಿ ಮುಂದುವರೆಯತಕ್ಕದ್ದು. **3**. 1 ಸ್ಥಾನ ಜಿಲ್ಲಾ ಮಧ್ಯವರ್ತಿ ಬ್ಯಾಂಕಿನಿಂದ ನಾಮಕರಣ ಮಾಡಲ್ಪಟ್ಟ ಪ್ರತಿನಿಧಿಗಳಿಂದ.

	4. ಕಾಯಿದೆ ಹಾಗೂ ಪೋಟ ನಿಯಮಗಳ ಪ್ರಕಾರ ಚುನಾಯಿತರಾದ ಆಡಳಿತ ಮಂಡಳಿಯ ಅಧಿಕಾರಾವಧಿಯು ಐದು ಸಹಕಾರಿ ವರ್ಷಗಳವರೆಗೆ ಇರತಕ್ಕದ್ದು. ಈ ಅವಧಿಯು ಮುಕ್ತಾಯವಾಗುವ ದಿನಾಂಕಕ್ಕೆ ಮುನ್ನ 5 ದಿನಗಳೊಳಗಾಗಿ ಕಾಯಿದೆ ಹಾಗೂ ನಿಯಮಗಳ ಪ್ರಕಾರ ಪೂರ್ಣ ಆಡಳಿತ ಮಂಡಳಿಗೆ ಚುಣಾವಣೆ ನಡೆಸತಕ್ಕದ್ದು. **ಟಿಪ್ಪಣಿ: ಸಹಕಾರಿ ವರ್ಷವೆಂದರೆ ಏಪ್ರಿಲ್ 1 ರಿಂದ ಪ್ರಾರಂಭವಾಗಿ ಮುಂದಿನ ಮಾರ್ಚ 31ಕ್ಕೆ ಕೊನೆಗೊಳ್ಳುವ 12 ತಿಂಗಳ ಅವಧಿ ಆಗಿದ್ದು, ಈ ಮಧ್ಯೆದಲ್ಲಿ ಆಡಳಿತ ಮಂಡಳಿ ಚುನಾವಣೆ ನಡೆದಲ್ಲಿ ಮಂಡಳಿಯ ಪರಮಾವಧಿಯನ್ನು ಲೆಕ್ಕಹಾಕುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಹಕಾರಿ ವರ್ಷದ ಉಳಿದ ಭಾಗವನ್ನು ಈ ಉದ್ದೇಶಕ್ಕಾಗಿ 1 ಸಹಕಾರ ವರ್ಷವೆಂದು ಭಾವಿಸತಕ್ಕದ್ದು.**

22. Taking note that the Cooperative Election Authority had also issued certain directions as regards constitution of the electorate, it would be relevant to refer to Rule 13 (2) and (3) of the Rules which reads as follows:

> *"13(2) The bye-laws of such a society may specify the number or proportion of the members of the committee, who may be elected to represent each such group on the committee and may specify further that such representatives may be elected,-*
>
> *(a) by all the members of the society; constituting a single electoral college or*

(b) by different smaller groups of members of the society to which such directors belong, constituting more than one electoral college.

Provided, that the number of directors to be elected from each electoral college at the general election of the board of such co-operative society shall be as nearly as possible in proportion to the number of the members in the respective electoral college.

13 (3) However, if the bye-laws of a society do not provide for such electoral colleges as specified in sub rule (2(b) when the election to the board of directors of the society are due, the Co-operative Election (Authority) is competent to determine such electoral college and notify the same and conduct such elections of the society as per the notification issued)".

23. While Rule 13(2) provides for the by-laws specifying the number or proportion of the Directors to be elected and the Electoral College, Rule 13(3) confers power on the Cooperative Election Authority to determine Electoral College, notify the same and conduct elections as per notification issued. Such power is exercisable when

the by-laws of the Society do not provide for Electoral College as specified in Rule 2(b).

24. It is to be noticed that in terms of the amended by-law viz., by-law No.40, the Committee of Management would consist of 14 representatives from 'A' and 'B' Class members while 06 posts would be reserved for 'A' Class Cooperative Societies, 02 posts would be reserved for 'B' Class individual members.

25. By-law No.40(2) further specifies that the representatives from 'A' and 'B' Class would be elected by all the members (ಎಲ್ಲ ಸದಸ್ಯರಿಂದ).

26. A plain reading of the by-law would indicate that a common Electorate would select representatives to 'A' and 'B' Class.

27. The members of the Yellapura Society which included the petitioners in W.P.No.107485/2025 who are Idagundi Primary Society, Kiravatti Primary Society and

Dehalli Primary Society had challenged the validity of by-law No.40 contending that the said by-law was in contravention of the co-operative principles, customs in force as well as Section 12 of the Co-operative Societies Act.

28. While it is the contention of the Primary Societies that election of representatives to the 'A' and 'B' Class members should be from separate electorates and election of representatives to such class cannot be from common electorate, such contention has been rejected by the Appellate Authority in the appeal filed under Section 106 of the Cooperative Societies Act.

29. The amendment made to by-law No.40 would on a plain reading indicate a stipulation that representatives to the 'A' and 'B' Class members would be by a common electorate. The statutory limits relating to amendment of by-laws are contained in Section 12 wherein the proviso to Section 12(1) indicates that the amendment to the

by-laws when made is required to be in conformity with the Act and the Rules in force. A further restriction flows from power of the Registrar to satisfy himself that the proposed amendment is in conformance with Section 12 (2) of the Act.

30. Section 12 (2) of the Act reads as hereunder:

> *"(2) Every proposal for such amendment shall be forwarded to the Registrar and if the Registrar is satisfied that the proposed amendment,—*
>
> *(i) is not contrary to the provisions of this Act and the rules;*
>
> *(ii) does not conflict with co-operative principles;*
>
> *(iii) satisfies the requirements of sound business;*
>
> *(iv) will promote the economic interests of the members of the society; and*
>
> *(v) is not inconsistent with the principles of social justice."*

31. Thus, it becomes clear that the Registrar is required to examine and ensure that the proposed by-laws sent are not contrary to the provisions of the Act and

Rules, do not conflict with cooperative principles, satisfies requirement of sound business, promotes economic interests of the members of the Society, that the by-laws are not inconsistent with the principles of social justice.

32. The Appellate Authority has recorded a finding that the by-law is not contrary to law.

33. It is necessary to notice that Rule 13(2)(a) of the Co-operative Societies Rules provides that the by-laws of the Society may not only specify the number of Directors to be elected as members of the Board or members of the Managing Committee but may further specify that such Directors may be elected by all members of the Society constituting a single electoral college [13(2)(a)] or by different smaller groups [13(2)(b)].

34. Section 20 of the Act further provides that a member, representative or delegate shall not have more than one vote in the election of the members of the Board of the Cooperative Society.

35. Section 20 (1) reads as hereunder:

> "*20 Votes of Members – (1) [No member, no representative or no delegate of a society shall have more than one vote in the general meeting or in the election of the members of the board] of the co-operative society.*"

36. The corollary would be that a Secondary Society as defined under Section 2 (j2) which could have as its individual members and Primary Societies and such members each would have one vote.

37. This would indicate that though individual members and Co-operative Societies both could be members of the Secondary Societies, both are to be treated on par.

38. A reading of Rule 13 (2) (a) of the Rules with Section 20(1), Section 2(j2) together would support an interpretation permitting a common electorate of all members of a Secondary Society electing representatives from and to 'A' and 'B' Class Societies.

39. The apprehension that the power to vote conferred on individual members of the Secondary Society may out number the co-operative Society members prejudicing the rights of the co-operative society members in electing their representatives who would constitute the Managing Committee is a contention that deserves to be rejected.

40. The reservation made in the Managing Committee under by-law No.40 is that six members of the Managing Committee would be chosen from 'A' Class which consists of a Cooperative Society members while only two posts are reserved for representatives of 'B' Class consisting of individual members takes care of the alleged prejudice.

41. In light of the discussion, it is clear that amended by-law No.40 is not contrary to either the Rule or any statutory provision. On the other hand, Rule

13(2)(a) of the Rules does indicate the permissibility of single electoral college.

42. One of the major grounds of attack insofar as order of the Revisional Authority is that the order of the appellate authority passed in 1998 which had upheld the amended by-law was assailed in revision proceedings in the year 2025 after inordinate delay.

43. The amended by-law continued in operation from 1998 till 2025 during which time elections would in normal course have been held to the managing committee on about 5-6 terms. The members of the society having accepted the order of the appellate authority, the same is challenged by members after 27 years would amount to a time barred proceedings.

44. The learned Single Judge in his order had interfered with the order of the Revisional Authority holding that proceedings initiated after 27 years with undue delay would be fatal to the case of such members

and could not have been entertained by the Revisional Authority.

45. We find that the learned Single Judge has not entered into the merits of the order which may also be relevant factor while permitting exercise of power under Section 108 of the Act which admittedly has been invoked after 27 years.

46. The perusal of the order passed by the Revisional Authority would indicate that such authority had recorded finding on merits of the dispute and keeping in mind such finding had resolved to condone the limitation.

47. The Revisional Authority as regards the merits of the dispute had found as follows:-

i) That in the Yallapur Society there were 13 Societies as 'A' class members and there were large number of individual members and permitting voting by individual

members would prejudice the representation of Societies in the Managing Committee;

In so far as such contention, we find the same has no basis insofar as the representatives from 'A' Class in terms of amended by-law were six, while the representatives from the individual members, i.e., 'B' Class, were only two. Clearly the common electorate does not do away with number of representatives from the Societies' category, being six from the Society's category.

Further the amendment by way of proviso to section 28A of the Act also provides for reservation of forty percent of the remaining seats in the board secondary Co-operative societies for the representatives of Co-operative societies. This also ensures that the representatives of the societies find their place in the board of the secondary Co-operative societies.

ii) The finding by the Revisional Authority was that the Secondary Society is required to provide sufficient representation to the Societies and the order of the Appellate Authority would prejudice members of such category and run contrary to the objectives of Secondary Societies.

Such finding is also without any basis as none of the principle or objectives of Secondary Co-operative Bodies are prejudiced by a common electorate. Section 20 of the Act which provides for voting rights would indicate that one member would have one vote meaning thereby that the distinction between Society being a member and individual being a member is effaced in terms of voting rights. Further, the interest of Societies is taken care of by increased number of Directors from the category of Societies which are members being elected to represent the Managing Committee in contra distinction to fewer

number of representatives of individuals in the Managing Committee of the Secondary Society.

iii) The Revisional Authority has sought to condone the delay of 27 years recording a finding that the proposed amendment was contrary to provisions of the Co-operative Society Act and that the cause of action was continuing.

Such finding is erroneous in so far as limitation commences from the date of amendment to the bye-law and cannot be sought to be challenged after 27 years. The election to the Managing Committee has been held for more than 5 terms on the basis of the amended bye-law without challenge. A fresh challenge after 27 years could not have been allowed.

48. In fact, in light of the discussion made supra at paragraph no. 38 to 47 the amended by-law was in

accordance with the legal requirement including in specific to Rule 13(2)(a) of the Rules and on such ground as well we find that the Revisional Authority had grossly erred in interfering with the order of the Appellate Authority upholding the by law.

49. Accordingly, we find that the conclusion of the learned Single Judge while allowing the petition thereby setting aside of the order of the Revisional Authority requires affirmation.

W.A.100273/2026 (filed against the order passed in W.P.106790/2025)

50. Insofar as W.P.No.106790/2025, the writ petition was filed seeking directions to the Returning Officer to follow the directions of the Co-operative Election Authority dated 05.08.2025. By virtue of a direction by the Authority to the concerned, the Idagundi Primary Society had sought for enforcement of direction of the Election Authority and further relief that six Directors from 'A' class were to be elected from 'A' class members only.

It was the understanding of the said Primary Society that representatives in 'A' class were to be elected only by members of 'A' class and accordingly had viewed that direction dated 05.08.2025 as being a direction for enforcement of the principle that Directors from 'A' class was to be elected only by 'A' class members.

51. The order of the Election Authority dated 05.08.2025 reads as follows:

> "ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ ಯಲ್ಲಾಪುರ ತಾಲೂಕಾ ಒಕ್ಕಲುತನ ಹುಟ್ಟುವಳಿ ಹುಟ್ಟುವಳಿ ಮಾರಾಟ ಸಹಕಾರ ಸಂಘ ನಿ.. ಯಲ್ಲಾಪುರ, ಉತ್ತರ ಕನ್ನಡ ಜಿಲ್ಲೆ ಈ ಸಹಕಾರ ಸಂಘದ ಉಪನಿಯಮಗಳಲ್ಲಿ ಆಡಳಿತ ಮಂಡಲಿ ರಚನೆ ಕುರಿತು "ಅ" ಮತ್ತು "ಬ" ವರ್ಗದ ಎಲ್ಲಾ ಸದಸ್ಯರಿಂದ ಆಯ್ಕೆ ಆಗತಕ್ಕೆ 14 ಪ್ರತಿನಿದಿಗಳು ಎಂದಿರುತ್ತದೆ. "ಅ" ವರ್ಗದ ಮತಕ್ಷೇತ್ರದ ಸದಸ್ಯರುಗಳು "ಅ" ವರ್ಗದ ಅಭ್ಯಥಿಗಳನ್ನು ಮತ್ತು "ಬ" ವರ್ಗವ ಸದಸ್ಯರು "ಬ" ವರ್ಗದ ಅಭ್ಯಥಿಗಳನ್ನು ಚುನಾಯಿಸುವಂತೆ ಕ್ರಮವಿಡಬೇಕಾಗಿರುತ್ತದೆ ಹಾಗೂ ನಿಯಮ 13(2)(3)ರನ್ವಯ ಮತಕ್ಷೇತ್ರ ನಿರ್ಧರಿಸುವ ಅಧಿಕಾರ ಚುನಾವಣಾ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಇರುವುದರಿಂದ ಅದರಂತೆ ಮತಕ್ಷೇತ್ರಗಳನ್ನು ನಿಗಧಿಗೊಳಿಸಿ ಚುನಾವಣೆ ನಡೆಸುವಂತೆ ಕೋರಿರುತ್ತಾರೆ.
>
> ಸದರಿಯವರ ಮನವಿಯನ್ನು ಹಾಗೂ ಸಂಘದ ಬೈಲಾವನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಬೈಲಾ ಸಂಖ್ಯೆ 40 **"ಆಡಳಿತ ಮಂಡಲಿ ರಚನ ಮತ್ತು ಅವಧಿ"** ಇದರಲ್ಲಿ 40(2) ಸಹಕಾರಿ ಕಾಯ್ದೆ ಮತ್ತು ಉಪನಿಯಮದಂತೆ ಮತದಾನಕ್ಕೆ ಅರ್ಹತೆ ಹೊಂದಿದ **"ಅ"** ವರ್ಗದ ಮತ್ತು **"ಬ"** ವರ್ಗದ ಎಲ್ಲಾ ಸದಸ್ಯರಿಂದ 14 ಪ್ರತಿನಿಧಿಗಳನ್ನು ಆಯ್ಕೆಮಾಡಬೇಕೆಂದು ಇರುತ್ತದೆ. ಆದರೆ 40(2)(01) ರಲ್ಲಿ 6 ಸ್ಥಾನಗಳು **"ಅ"** ವರ್ಗದ ಸಹಕಾರ

ಸಂಘಗಳಿಂದ ಆಯ್ಕೆ ಮಾಡತಕ್ಕಾದಾಗಿರುತ್ತದೆ ಎಂದು ಇರುವುದರಿಂದ ಅದಕ್ಕನುಗುಣವಾಗಿ ಸಂಘದ ಆಡಳಿತ ಮಂಡಲಿ ಸದಸ್ಯರ ಚುನಾವಣೆಗೆ ಕ್ರಮವಿಡುವಂತೆ ಸೂಚಿಸಿದೆ."

52. At the outset, the understanding of the Primary Society as regards the direction of the Co-operative Election Authority appears to be contrary to the meaning attributed to the direction by the Election Authority itself.

53. The Election Authority in its affidavit dated 24.09.2025 in response to a query by the learned Single Judge have deposed as follows:

"5. It is submitted that this authority in its letter dated 05.08.2025 to the respondent. No.3 i.e, Joint Registrar of Cooperative societies to follow the terms of the Bye-law No.40(2) which provides that 14 representatives shall be elected from all the members of category 'A' and 'B' who are eligible to vote as per the Co-Operative Societies Act and the bye-laws of the society.

Bye-law No.40(2)(01) provides that 6 representatives are to be elected from category 'A' cooperative societies. It is specifically mentioned that the delegates of the cooperative

societies have to participate in the electoral process as mentioned in the manner under section 21(2)(a) of Karnataka Cooperative Societies Act 1959 and the remaining is as mentioned in para No.3 & 4.

6. It is further submitted that this authority is not exercising the powers under sub rule (3) of Rule 13 of Karnataka Cooperative Societies Rules 1960 as the electrol collegium has been clearly defined under Bye-law.No.40(2) of the respondent 6 society.

The above submission is made based on the above provisions which may kindly be considered by this Honourable Court."

54. A plain reading of the same would indicate that the Election Authority has endorsed the system of Common Electorate.

55. The Court does not intend to go beyond the expression attributed to the direction dated 05.08.2025 by the author of such communication, as this court is not sitting in appeal over the view of the election authority.

56. In fact, Rule 13(3) provides for exercise of power by the Co-operative Election Authority in the event Rule 13(2)(b) is silent insofar as different smaller groups of members constituting distinct groups in the electoral college and in such event the Election Authority could direct conduct of Election by recognizing such electoral college.

57. Rule 13(2) and 13(3) of the Rules reads as follows:

> *"13 (2) The bye-laws of such a society may specify the number or proportion of the members of the committee, who may be elected to represent each such group on the committee and may specify further that such representatives may be elected,-*
>
> *(a) by all the members of the society; constituting a single electoral college or*
>
> *(b) by different smaller groups of members of the society to which such directors belong, constituting more than one electoral college. Provided, that the number of directors to be elected from each electoral college at the general election of the*

board of such co-operative society shall be as nearly as possible in proportion to the number of the members in the respective electoral college.

(3) However, if the bye-laws of a society do not provide for such electoral colleges as specified in sub rule (2(b) when the election to the board of directors of the society are due, the Co-operative Election (Authority) is competent to determine such electoral college and notify the same and conduct such elections of the society as per the notification issued).”

58. By-law 40 (2) reads as follows:

“40 (2) ಸಂಘದಲ್ಲಿ ಸಹಕಾರಿ ಕಾಯ್ದೆ ಹಾಗೂ ಉಪನಿಯಮದಂತೆ ಮತದಾನಕ್ಕೆ ಅರ್ಹತೆ ಹೊಂದಿದ “ಅ” ವರ್ಗದ ಹಾಗೂ “ಬ" ವರ್ಗದ ಎಲ್ಲಾ ಸದಸ್ಯರಿಂದ ಆಯ್ಕೆ ಆಗತಕ್ಕ 14 ಪ್ರತಿನಿಧಿಗಳು ಈ ಕೆಳಗಿನಂತೆ ಇರತಕ್ಕದ್ದು.

01. 6 ಸ್ಥಾನಗಳು “ಅ” ವರ್ಗದ ಸಹಕಾರಿ ಸಂಘಗಳಿಂದ.

02. 2 ಸ್ಥಾನಗಳು “ಬ” ವರ್ಗದ ವ್ಯಕ್ತಿ ಸದಸ್ಯರಿಂದ.

03. 2 ಸ್ಥಾನಗಳು ಮಹಿಳಾ ಪ್ರತಿನಿಧಿಗಳಿಂದ.

04. 1 ಸ್ಥಾನ ಪರಿಶಿಷ್ಟ ಜಾತಿ ಪ್ರತಿನಿಧಿಗಳಿಂದ.

05. 1 ಪರಿಶಿಷ್ಟ ವರ್ಗಗಳ ಪ್ರತಿನಿಧಿಗಳಿಂದ.

06. 2 ಸ್ಥಾನಗಳನ್ನು ಹಿಂದುಳಿದ ವರ್ಗಗಳಿಗೆ ಮೀಸಲಾಗಿಡತಕ್ಕದ್ದು. ಆದರೆ ಪ್ರಥಮ ಆಡಳಿತ ಮಂಡಳಿಗೆ 2 ಸ್ಥಾನಗಳನ್ನು ‘ಎ’ ಪ್ರವರ್ಗದ ಅಭ್ಯರ್ಥಿಗಳಿಂದ, ದ್ವಿತೀಯ ಮತ್ತು ತೃತೀಯ ಬಾರಿಗೆ ಪ್ರವರ್ಗ ‘ಎ’ ಮತ್ತು ಪ್ರವರ್ಗ ‘ಬಿ’ ಇಂದ ತಲಾ ಒಂದು ಸ್ಥಾನವನ್ನು, ನಾಲ್ಕನೇ ಬಾರಿಗೆ ಎರಡು ಸ್ಥಾನಗಳನ್ನು, ‘ಎ’ ಪ್ರವರ್ಗದ ಅಭ್ಯರ್ಥಿಗಳಿಂದ ತುಂಬತಕ್ಕದ್ದು. ಈ ಪ್ರಕ್ರಿಯೆಯು ಅನುಕ್ರಮವಾಗಿ ಮುಂದುವರೆಯತಕ್ಕದ್ದು.

59. Insofar as Rule 13 (2) (a) is concerned, the by-law provides for election of six members of the Co-operative Society to represent 'A' category by a common electorate as contemplated by Rule 13(2)(a).

60. Rule 13(2)(b) refers to election of Directors to the Managing Committee could be by an electorate consisting of different smaller groups of members constituting different constituents of the electoral college. In the present case by-law No.40 (2) (6) as noticed above provides for election of two Directors (reserved for backward class) from 'A' class contestants in the first Managing Committee, as regards the Managing Committee for the second and third term election of Directors numbering two for the OBC Category would be one each from 'A' and 'B' category, and for the fourth term the two reserved posts could be filled in from the 'A' category contestants. Such stipulation points out to election from separate electorates in contra distinction to a common

electorate of all members and would fulfill the requirement of Rule 13(2)(b).

61. The power under Rule 13(3) could be exercised only when Rule 13(2)(b) is not fulfilled. If that were to be so there was no occasion for exercise of power under Rule 13(3). In fact, the stand taken by the Election Authority in its affidavit extracted above at paragraph no. 6 of the affidavit would indicate that the direction dated 05.08.2025 was not a direction in terms of Rule 13(3) and was only a direction to enforce by-law 40(2).

62. This would clearly point out to the primary society misinterpreting the direction of the Election Authority as being one issued under Rule 13(3). Accordingly it is clear that the direction of the Election Authority was merely to enforce mandate of by law No. 40 which would mean that elections to be held for selection to representatives of 'A' and 'B' category by a common electorate.

63. If that were to be so, the Writ Petition No.106790/2025 was a misconceived writ petition.

64. In light of the interpretation of the direction of the Election Authority as noticed at paragraph no.5 and 6, the relief sought for by the Primary Society in W.P.No.106790/2025 was clearly misconceived.

65. The learned Single Judge while considering the said writ petition has merely dismissed the writ petition on the ground that no direction could be issued once the calendar of events was notified on 06.09.2025.

66. We find that the learned Single Judge appears to have overlooked the fact that direction of the Co-operative Election Authority dated 05.08.2025 was prior to the calendar of events dated 06.09.2025. Even otherwise, in light of the understanding of the direction by the election authority in its affidavit dated 05.08.2025, even if writ of mandamus were to be issued for holding of elections in

terms of the direction dated 05.08.2025, we find that such direction would be in consonance with the amended by-law and accordingly would not affect the election process.

67. Accordingly Writ Appeal No.100273/2026 is disposed of as not calling for any interference.

W.A.No.100272/2026 (filed challenging the order in W.P.No.102328/2026)

68. W.P.No.102328/2026 has been filed by members of the Yellapura Society challenging the resolution dated 09.03.2026 passed by the Administrator appointed to the Yellapura Society. In terms of the said resolution the Administrator had resolved to withdraw W.P.No.107485/2025 which was filed challenging the order passed by the Revisional Authority u/S 108 of the Act.

69. It is relevant to reiterate that the said order of the Revisional Authority had set aside the order of the Appellate Authority resulting in affirmation of order of

rejection of amendment to by-law introducing by-law No.40. The effect of such resolution to withdraw the writ petition would eventually amount to affirmation of the order of rejection of amended by-law.

70. A perusal of the said resolution dated 09.03.2026 would indicate that the decision to challenge the order of the Revisional Authority was taken in a meeting of the Managing Committee held on 09.10.2025. It is further observed in the resolution dated 09.03.2026 that the members including the Society Members had conflicting views and opinion regarding continuance of the Writ Petition. However, taking note of an opinion of the Principal Secretary it was resolved to withdraw the writ petition.

71. The learned Single Judge has opined that the power of the Administrator is limited and that powers of the Administrator being subject to control of the Registrar and as no direction was issued by the Registrar, the

Administrator could not have resolved to withdraw the writ petition.

72. It must be noticed that the decision to challenge the order of the Revisional Authority u/S 108 was admittedly taken on the basis of a Resolution dated 09.10.2025 passed by the Managing Committee reference to which is found in the resolution of 09.03.2026.

73. The dispute relating to the amended by-law is between the members of the Primary Society on the one hand who seek for election of representatives of 'A' class by members of the said class while the Secondary Society, i.e., Yellapura Society, seeks to defend the amended by-law whereby election to the Managing Committee of both 'A' and 'B' classes is by a common electorate.

74. The dispute being the matter of contest, is prior to the appointment of the Administrator on 14.10.2025. It is to be noticed that on 09.10.2025 itself the Managing Committee had resolved to challenge the order of the

Revisional Authority by way of a Writ Petition. The appointment of the Administrator was on the sole ground that the term of the Managing Committee had expired.

The administrator is required to exercise all or any of the functions of the board and take action as he may consider necessary in the interest of the society in terms of Section 30(3) of the Act. It is to be noted that the administrator remains in office and in charge of the affairs of the society till elections are conducted and is required then to hand over management to the elected board in terms of section 30(4) of the Act in case of supersession of the Board. The statutory scheme appears to indicate that the administrator is only a transitionary arrangement who would be in charge of the affairs of the society and performs function of the board till the elected body comes into place. The transitionary nature of the office of the administrator is reiterated and reflected by Section 30 (1) & (2) of the Act which would indicate that the supersession or suspension of the board by an administrator is for

purpose of managing affairs of Society for a period not exceeding 6 months.

75. In fact the powers of the administrator is limited to performance of functions of the society in contradistinction to the wider powers of a Special officer who is vested with the authority to exercise power and perform functions of the society. Reflection of such limited power was observed by the Apex Court in the case of ***K.Shantharaj and Another v. M.L.Nagaraj and Others***[1]**,** wherein it was observed that the administrator has no power to enroll new members though he has the power to organize election process in accordance with the provisions of the Act, Rules and Bye-laws of the Society.

If such is the power conferred on the administrator it could be safely concluded that the administrator though had the power to perform functions of the board would not have the power to exercise all powers of the board as are

[1] (1997) 6 SCC 37

vested, in the Committee of Management in its normal course of functioning.

76. Considering that the Managing Committee prior to end of its tenure had taken a conscious decision to challenge the order of the Revisional Authority and thus seek for restoration of the amended By–law; the administrator who was in temporary control of the society by way of a transitionary/stop gap arrangement till a regular elected body assumes charge, cannot be permitted to take a significant decision which has the effect of affirming the rejection of an amendment by withdrawal of the writ petition. Such power can by no stretch of imagination be construed to be a necessary decision to be taken which was immediate, compelling and could not wait till elected body would assume charge of the affairs of the society.

77. Accordingly, the relief sought for in W.P.102328/2025 requires to be granted by setting aside

the impugned resolution passed by the administrator and the decision of the learned Single Judge in such writ petition requires to be affirmed and accordingly the writ appeal stands rejected.

78. W.P.107678/2025 was filed challenging the order dated 14.10.2025 appointing the administrator to the Yellapura society. The term of office of the Managing Committee of the Society having expired during the pendency of the proceedings and in light of the interim order restraining the order from announcing the results, the administrator came to be appointed.

79. The challenge to such appointment was not entertained by the Learned Single Judge on the ground that the administrator had already assume charge on 15.10.2025.

80. In light of term of office having coming to an end, the appointment of administrator was a legal consequence and accordingly such controversy does not

remain for adjudication. In light of the above discussion, the election process is required to be concluded at the earliest.

81. In light of the interim order passed in W.A.100271/2026, the Division Bench had refused to interfere with the interim order of the writ court which had directed separate ballot papers for two electoral colleges with further direction that the vote casts were required to be kept separately. The Division Bench had stayed the order of the writ court with further direction to the authorities to maintain status quo as regards common counting of votes. This order of the Division Bench was not interfered with by the Apex Court while directing expediting of hearing of the writ appeal and its disposal.

82. Accordingly, the counting is to proceed forthwith by mixing the ballot papers kept in separate boxes and same to be counted by construing ballot papers kept separately to be votes of a common electorate. The results

of the Managing Committee consisting of the Board of Directors to be announced forthwith, within a period not later than one week from this day. The other posts of the Managing Committee apart from representatives of 'A' class and 'B' class to be filled up as per bye-laws and Rules in force.

Writ Appeal Number	**Writ Petition**	**Determination / Stand of the Court**
W.A. 100271/2026	W.P.107485/2025	The Revisional Authority's order dated 18.09.2025 is quashed.
W.A.100272/2026	W.P.102328/2026	The Administrator's resolution dated 09.03.2026 is quashed.
W.A.100273/2026	W.P. 106790/2025	The Writ Petition is dismissed, and the Returning Officer is directed to announce the election results for the election held on 28.09.2025 within one week.

83. Accordingly, the writ appeals are ***disposed of***.

I.A.3/2026 filed seeking leave to prosecute the appeal in W.A.No.100272/2026 is allowed. All other

pending applications stand disposed of as not calling for further orders.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE

Sd/-
(K.G.SHANTHI)
JUDGE

NP/BVV
LIST NO.: 2 SL NO.: 64