



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 28TH DAY OF APRIL 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

WRIT APPEAL NO. 100241 OF 2026 (GM-RES)

C/W

WRIT APPEAL NO. 100234 OF 2026 (GM-RES)

IN WA NO.100241 OF 2026:

BETWEEN:

1. SHRI. ASHOK MAHADEVO POTDAR
AGE. 85 YEARS, OCC. ADVOCATE,
R/O. 1700, RAMDEVGALLI BELAGAVI-590001.
2. SHRI. ANIL NARAYAN SAMBAREKAR,
AGE: 65 YEARS, OCC: ADVOCATE,
R/O. NAGALASINATH COLONY,
SUKRAWAR PETH, TILAKWADI NAGAR,
BELAGAVI-590001.
3. SHRI. SAMANATH GANGARAM JAYANACHE,
AGE: 60 YEARS, OCC: ADVOCATE,
R/O. 1ST CROSS, ADARSH NAGAR,
M. VADAGAON BELAGAVI-590001.
4. SHRI. VISHWAS DATTARAY JADHAV,
AGE: 65 YEARS, OCC: ADVOCATE,
R/O.JEDGALLI, SHAHAPUR, BELAGAVI-590001.
5. SHRI. MUKUND DEVADATTRAO RANE,
AGE: 81 YEARS, OCC: ADVOCATE,





R/O. C-303 3RD FLOOR, GANESH BAGH,
INDRAPRASTHA NAGAR, BELAGAVI-590001.

6. SHRI. TUKARAM YALLAPPA HONGEKAR,
AGE: 75 YEARS, OCC: ADVOCATE,
R/O. 1654, SAGAR NAGAR,
KANGRALI K H, BELAGAVI-590001.
7. SHRI. KALLAPPA ANAND SALAVI,
AGED 63 YEARS, OCC: ADVOCATE,
R/O. BHAGYA NAGAR, BELAGAVI-590001.
8. SHRI. SHARAD B DESAI,
AGE: 61 YEARS, OCC: ADVOCATE,
R/O. UCHAGAON, BELAGAVI-590001.
9. MRS. SNEHA SHARAD DESAI,
AGE: 50 YEARS, OCC: ADVOCATE,
R/O. UCHAGAON, BELAGAVI-590001.
10. SHRI. SHANKAR SADASHIV PATIL,
AGE: 51, OCC: ADVOCATE,
R/O. 1624, ANSUSKAR GALLI,
BALAGAVI-590001.

...APPELLANTS

(BY SRI. VIJAYKUMAR M. SHEELVANT, ADVOCATE)

AND:

1. THE BELAGAVI BAR ASSOCIATION
BELAGAVI BY ITS
PRESIDENT SRI. SHEETAL RAMASHETTY,
AGE. MAJOR, OCC. ADVOCATE,
R/O. BELAGAVI BAR ASSOCIATION,
BELAGAVI-590001.
2. THE GENERAL SECRETARY
BELAGAVI BAR ASSOCIATION BY
YALLAPPA K DIVATE, AGE. MAJOR,



R/O. BELAGAVI BAR ASSOCIATION,
BELAGAVI-590001.

3. THE RETURNING OFFICER,
SHRI. D.D TIGADI, AGE: MAJOR,
OCC: ADVOCATE, R/O. BELAGAVI BAR
ASSOCIATION, BELAGAVI-590001.
4. THE RETURNING OFFICER,
BY R.N MISALE, AGE: MAJOR,
OCC: ADVOCATE, R/O. BELAGAVI BAR
ASSOCIATION, BELAGAVI-590001.

...RESPONDENTS

(BY SMT. NAINA R. NERLI, ADVOCATE FOR R1;
SMT. CHETANA BIRAJ, ADVOCATE FOR R2)

THIS WRIT APPEAL IS FILED U/S.4 OF
KARNATAKA HIGH COURT ACT, 1961, PRAYING THIS
HON'BLE COURT MAY BE PLEASED TO, ALLOW THIS
WRIT APPEAL AND SET ASIDE ORDER DATED
17/4/2026 PASSED BY THE LEARNED SINGLE JUDGE
IN W.P NO.103102/2026 IN THE INTEREST OF JUSTICE
AND EQUITY; AND ETC.

IN WA NO.100234/2026:

BETWEEN:

1. SRI. DHANRAJ S/O. RANOJI GAVALI
AGE: 62 YEARS, OCC: ADVOCATE,
ENROLMENT NO MAH-477/1991,
R/O. H.NO.110, THALAKWADI BELAGAVI.
2. SRI. SHRIKANT S/O. SHANKAR RAO PAWAR
AGE: 61 YEARS, OCC: ADVOCATE,
ENROLMENT NO. MAH-943/1996,
R/O. 127, SAMBHAJI ROAD,
KHASBAG, BELAGAVI.



3. SRI. DAMODAR S/O. GAJANAN GURJAR
AGE: 72 YEARS, OCC: ADVOCATE,
ENROLMENT NO. MAH-1121/1981,
R/O. 45, HIGH STREET, CAMP, BELAGAVI.
4. SRI. ANAND RAMESH PATIL
AGE: 62 YEARS, OCC: ADVOCATE,
ENROLMENT NO MAH-916-1993,
R/O. BELAGAVI.
5. SRI. PRAHLAD S/O. SHIVAJI BENNALKAR
AGE: 55 YEARS, OCC: ADVOCATE,
ENROLMENT NO. MAH-1190/1996,
R/O. KANGRALI KH, TQ. AND DIST. BELAGAVI.
6. SRI. SATISH S/O. GOVIND BHANDIWADEKAR
AGE. 53 YEARS, OCC. ADVOCATE,
ENROOMENT NO.MAH-3242/1999,
R/O. H.NO.572, MAIN GALLI, JYOTI NAGAR,
KANGRALI, BELAGAVI.
7. SRI. NARAYAN S/O. GUNDU KHANGAONKAR
AGE: 65 YEARS, OCC: ADVOCATE,
ENROLMENT NO. MAH-442/1987,
R/O. TARIHAL, TQ. AND DIST. BELAGAVI.

...APPELLANTS

(BY SRI. NITIN R. BOLABANDI, ADVOCATE)

AND:

1. THE KARNATAKA STATE BAR COUNCIL
OLD ELECTION COMMISSION OFFICE,
DR AMBEDKAR VEEDHI, BENGALURU-560001,
REPRESENTED BY ITS SECRETARY.
2. THE BELAGAVI BAR ASSOCIATION,
BELAGAVI, ADVOCATE SAMUDAY BHAVAN,



NEW COURT COMPLEX, BELAGAVI-590002,
REPRESENTED BY ITS PRESIDENT.

3. THE GENERAL SECRETARY
BELAGAVI BAR ASSOCIATION,
ADVOCATE SAMUDAY BHAVAN,
NEW COURT COMPLEX, BELAGAVI-590002.

4. THE RETURNING OFFICER
BELAGAVI BAR ASSOCIATION ELECTION-2026,
ADVOCATE SAMUDAY BHAVAN,
NEW COURT COMPLEX,
BELAGAVI-590002.

...RESPONDENTS

(BY SMT. ARCHANA MAGADUM, ADVOCATE FOR R1;
SMT. NAINA R. NERLI, ADVOCATE FOR R2;
SMT. CHETANA BIRAJ, ADVOCATE FOR R3)

THIS WRIT APPEAL IS FILED U/S.4 OF KARNATAKA HIGH COURT ACT, 1961, PRAYING THIS HON'BLE COURT TO, CALL FOR RECORDS AND SET ASIDE THE ORDER DATED 17/04/2026 PASSED BY THE LEARNED SINGLE JUDGE IN W.P. NO. 103140 /2026, INsofar AS THE INTERIM PRAYER OF THE APPELLANTS HAS NOT BEEN CONSIDERED IN SPITE OF THE URGENCY INVOLVED IN THE MATTER; DIRECT EXPEDITIOUS CONSIDERATION OF THE CONNECTED WRIT PETITION ON MAINTAINABILITY AND ON THE INTERIM PRAYER; AND ETC.

THESE APPEALS COMING ON FOR PRELIMINARY HEARING THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B.M. SHYAM PRASAD
AND
HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE B.M. SHYAM PRASAD)

The appellants present a short question for consideration in the peculiarities of their circumstances viz., whether they can participate in the elections for the constitution of the committee of the Belagavi Advocates Association, and they present this question in the present proceedings as their request for an interim order in the writ petitions filed by them in WP No.103140 of 2026 and W.P NO.103102/2026, is yet to be considered. The last date for filing nominations has passed, and the elections are scheduled to be held on 02.05.2026.

2. This Court on 24.04.2026, while hearing the request for an interim order has recorded the submissions by Mr. V. M. Sheelvant and Mr. Nitin R. Bolabandi, the learned counsels on record for the appellants, thus.



- [a]** The appellants have the benefit of Certificates of Practice [COP] issued by the Maharashtra State Bar Council as they have enrolled with such State Bar Council for their personal reasons over decades.
- [b]** Each of the appellants have practised only in Belagavi and other districts in the State of Karnataka and as such, have been members of the Belagavi Bar Association, which has a glorious history of 150 years.
- [c]** Some appellants have been Office Bearers of the Belagavi Bar Association for multiple terms, and their names have been included in the Provisional Voters' list for the upcoming elections as they have been life members as contemplated under the Association's Bye- laws.



[d] However, the appellants have been excluded from the Final Voters' List in view of the circular dated 16.08.2025 issued by the first respondent-Karnataka State Bar Council [KSBC] stipulating amongst others that only those who have filed their applications for COP with KSBC will be entitled to vote and contest elections in the respective Bar Associations in the State.

[e] The appellants are not members of any Bar Association other than the Belagavi Bar Association.

3. This Court has also observed that the appellant's grievance is with the State Bar Council stipulating that only those who have filed for a COP with KSBC will be entitled to vote and that ultimately for a complete adjudication the writ Court may have to decide on the efficacy of the KSBC Circular dated



16.08.2025 which has the stipulation that only those who have filed for COP with KSBC will be entitled to vote and contest elections in the respective Bar Associations in the State.

4. Ms. Archana Magadum, the learned counsel for the KSBC [*the first respondent in WA No.100234/2026*], on 27.04.2026, had submitted, on tentative instructions, that some of the appellants have cast their votes in the Maharashtra State Bar Council Elections and that this would be a material circumstance that should be examined. This Court has therefore permitted the appellants to file affidavits. The appellants have filed their individual affidavits, and this Court must record that all the appellants, except the first, the third, the eighth, and the ninth appellants in WA No.100241 of 2026, have cast their votes in the Maharashtra State Bar Council elections. The question whether this Court must



grant any order with these appellants having cast their votes in the afore elections is also considered.

5. Ms. Naina R. Nerli, the learned counsel for the Belagavi Bar Association, which is represented by its General Secretary, proposes to argue on the maintainability of the writ petitions [*and therefore these appeals*] and why this Court must not grant any order. The learned counsel submits that the writ Court has not even issued notice to the Belagavi Bar Association and that the appellants should have first invited an interim order by the writ Court on their request in the pending writ proceedings and only if the request was rejected, they could have filed these appeals. The learned counsel also submits that there will not be any interference once the elections have begun.

6. Ms. Archana Magadum proposes to rely upon the provisions of the Certificate of Practice and Place of Practice Verification Rules, 2015 [*the 2015*



Rules] laying emphasis on Rule 21 of these Rules to contend that Advocates whose names are part of the list published as non-practicing Advocates or defaulting Advocates cannot be included in the electoral rolls for the election to the governing body of a Bar Association because they cease to be members of such Association unless a COP is issued. The learned Counsel also proposes to rely on Rule 8 of the 2015 Rules. Mr. Mahantesh R. Patil, a learned counsel, submits that he must be permitted to intervene on behalf of the applicant [*whose application is yet to be listed*] as the entire exercise of excluding those who do not have COP from the KSBC is excluded is at this applicant's insistence [instance].

7. Indeed, the writ Court will [have to]decide on the question of maintainability of the writ petition because either the Belagavi Association may not be a State or the writ proceedings are not entertained once the elections are notified, but at this stage, this Court



also observes that with the appellants seeking a decision on the efficacy of the KSBC Circular dated 16.08.2025 that may also be a relevant circumstance that the writ Court may consider as could be the peculiarities as recorded by this Court on 24.04.2026. The writ Court may have to answer on whether there is a vacuum in the 2015 Rules that requires to be addressed in the peculiarities asserted at least by some of the appellants viz., the first, the third, the eighth and the ninth appellants.

8. This Court, for the present stage, must record specifically that these mentioned appellants, who are mostly above 60 years, are categorical in stating that they have enrolled with the Maharashtra State Bar Council only for personal reasons many decades back, that they have practiced all their life in Belagavi, that they have been members of no Association other than the Belagavi Bar Association.



9. This Court is of the view that these appellants who have not participated in any electoral activity other than in the Balagavi Bar Association must have an opportunity to cast vote without claiming any equity and the votes cast by them must be kept separately subject to the further Orders in the writ petitions. This arrangement shall be without prejudice to the respondent's defense. In the light of the afore, the following:

ORDER

The writ appeal in WA No.100234 of 2026 is ***rejected***. The writ appeal in WA No.100241 of 2026 is ***allowed-in-part*** subject to the following terms:

- [a] The first, the third, the eighth and the ninth appellants in this appeal in WA No.100241 of 2026 are permitted to cast their votes in the elections scheduled to be held on 02.05.2026.



[b] The votes cast by these appellants shall be kept separately for counting subject to further Orders in the pending writ petition at their instance.

[c] This arrangement shall neither create any equity in favour of these four appellants, nor prejudice the defense of any.

**Sd/-
(B.M. SHYAM PRASAD)
JUDGE**

**Sd/-
(SHIVASHANKAR AMARANAVAR)
JUDGE**