

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31<sup>st</sup> DAY OF MARCH, 2016

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

WRIT PETITION NOs.17016-17020 OF 2016 (CS-RES)

Between:

1. The Mangala Water Consumers Co-operative  
Society Limited (Registered)  
Represented by its Secretary  
Sri M.Yogesh,  
S/o M.Manche Gowda,  
Aged about 50 years,  
Mangala, Mandya Taluk,  
Mandya District – 571 403.
2. The Karagodu-2 Water Consumers,  
Co-operative Society Limited (Registered)  
Represented by its President  
Mr.Panchalingegowda P.  
S/o late Panche Gowda,  
Aged about 38 years,  
R/at Karagodu, Mandya Taluk,  
Mandya District – 571 403.
3. The Mallanayakankatte Water  
Consumers Co-operative Society  
Limited (Registered)  
Represented by its President

Mr.Nagaraju,  
S/o late Sri Pose Siddegowda,  
Aged about 50 years,  
R/at Mallanayakanakatte,  
Mandya Taluk, Mandya – 571 405.

4. The Yadaganahalli Water Consumers  
Co-operative Society Limited (Registered)  
Represented by its President  
Sri Y.K.Channabasave Gowda,  
S/o late Kenche Gowda,  
Aged about 54 years,  
Yadaganahalli, C.A.Kere Hobli,  
Maddur Taluk – 571 422.

5. The Bhuthanahosur Water Consumers  
Co-operative Society Limited (Registered)  
Represented by its President  
Sri H.Krishna,  
S/o late Marigowda,  
Aged about 49 years,  
Bhutanahosur, Mandya Taluk,  
Mandya – 571 405.

...Petitioners

(By Shri K.N.Nagesh, Advocate)

And:

1. The Director,  
Directorate of Command Area Development,  
Address at Nirman Bhavan,  
Annex Building, 1<sup>st</sup> Floor,  
Dr.Rajkumar Road,  
Rajajinagar 1<sup>st</sup> Block,  
Bangalore – 560 009.

2. The Administrators,  
Command Area Development Authority,  
Cauveri Basin Project,  
Public Office Building,  
Mysore – 570 004.
3. The Joint Director,  
Directorate of Command Area  
Development Authority,  
Office at Nirman Bhavan Annex Building  
1<sup>st</sup> Floor, Dr.Rajkumar Road,  
Rajajinagar 1<sup>st</sup> Block,  
Bangalore – 560 009.
4. The Assistant Director of Agriculture,  
Office of the ADA (CADA)  
Cauvery Basin Project, Sathnur Farm,  
Mandya Sub-Division,  
Mandya – 571 402.

...Respondents

(By Smt. Pramodhini Kishan, HCGP)

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These Writ Petitions are filed under Articles 226 and 227 of the Constitution of India praying to direct R-2 and 4 to consider representations dated 18.01.2016, 05.03.2016, 4.3.2016, 26.02.2016, 29.01.2016, 30.10.2015 at Annexures-A to F.

These Petitions coming on for Preliminary Hearing this day, the Court made the following:-

**ORDER**

The Government Advocate is directed to take notice for the respondents.

2. Heard the learned counsel for the petitioners and the learned Government Advocate.

3. It is the case of the petitioners that they are respective Co-operative Societies whose managing committees were elected for a period of five years and the term of five years comes to end on 31.3.2016. The elections ought to have been conducted well before the expiry of the term of five years. In spite of several representations given by the respective Co-operative Societies to the fourth respondent and second respondent, they have not taken any steps to conduct the elections. However, the Election Authority has indicated that, since the petitioners have given representation, the elections may be conducted after May 2016 and by virtue of which *ipso facto* the Managing

Committee of the respective societies would cease to be in office and an Administrator would be appointed to look after the affairs of the societies.

4. Since the election has not been conducted, the term of office of the Managing Committees shall continue till such time the Election Authority holds the election.

Petitions are accordingly disposed of.

Government Advocate is permitted to file her Memo of Appearance within two weeks.

**Sd/-  
JUDGE**

AP