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EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

प्राधिकार से प्रकाशित
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भारत निर्वाचन आयोग

अधिसूचना

नई दिल्ली, 26 अक्तूबर, 2026

आ.अ. 49(अ).— लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 (क) के अनुसरण में, भारत निर्वाचन आयोग, एतद्वारा वर्ष 2024 की निर्वाचन याचिका (दायर/फाइलिंग) सं. 200001 में कर्नाटक उच्च न्यायालय, कलबुर्गी के दिनांक 09.12.2025 के निर्णय/आदेशों को प्रकाशित करता है।

[फा. सं. 82/केटी-एचपी/200001/2024]

आदेश से,

पवन दीवान, सचिव

ELECTION COMMISSION OF INDIA

NOTIFICATION

New Delhi, the 26th October, 2026

O.N. 49(E).— In pursuance of Section 106 (a) of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgment / orders of the High Court of Karnataka, Kalaburagi dated 09.12.2025 in the EP (Filing) No. 200001 of 2024.

[F. No. 82/KT-HP/200001/2024]

By Order,

PAWAN DIWAN, Secy.

IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH
DATED THIS THE 9TH DAY OFDECEMBER, 2025
BEFORE
THE HON'BLE MR. JUSTICE S. SUNIL DUTT YADAV
ELECTION PETITION NO. 200001 OF 2024

BETWEEN:

1. MR. RAVINDRA SWAMY
   S/O KALLAYYA SWAMY
   AGED ABOUT 47 YEARS
   RESIDING AT: H.NO.8-11-254
   RAGHAVENDRA COLONY
   BIDAR-585 401.

...PETITIONER

(BY SRI. PRUTHVEESH M.K., ADVOCATE)

AND:

1. THE RETURNING OFFICER
   NO.5-GULBARGA (SC)
   PARLIAMENTARY CONSTITUENCY AND
   DEPUTY COMMISSIONER
   KALABURAGI, D C OFFICE
   MINI VIDHANA SOUDHA STATION ROAD
   KALABURAGI-585 102.
2. MR. RADHAKRISHNA DODDAMANI
   S/O RAJENDRAPPA DODDAMANI
   AGED ABOUT 63 YEARS
   RESIDING AT NO.5/98, MAIN ROAD
   GUNDAGURTHI VILLAGE
   CHITTAPUR TALUK
   KALABURAGI DISTRICT-585 317.

… RESPONDENTS

(BY SRI D.P. AMBEKAR, ADVOCATE FOR R1;
SRI. K.N. PHANINDRA, SENIOR ADVOCATE FOR
SRI RONAK V. CHHABRIA, ADVOCATE FOR R2)

THIS ELECTION PETITION IS FILED UNDER SECTION 81 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951, PRAYING TO CALL FOR RECORDS AND DECLARE THAT THE ORDER DATED 20.04.2024 PASSED BY THE 1ST RESPONDENT VIDE ANNEXURE-AH REJECTING THE NOMINATION OF THE PETITIONER FILED TO NO.05 - GULBARGA (SC) PARLIAMENTARY CONSTITUENCY TO GENERAL ELECTIONS TO THE HOUSE OF PEOPLE, 2024 (LOK SABHA) IS IMPROPER AND SETA SIDE THE ELECTION OF THE RESPONDENT NO.2 TO THE GENERAL ELECTIONS TO THE HOUSE OF PEOPLE, 2024 (LOK SABHA) FROM NO.05 - GULBARGA (SC) PARLIAMENTARY CONSTITUENCY AND ETC.

THIS ELECTION PETITION COMING ON FOR FINAL HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

ORAL ORDER

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

The election petition was filed seeking for declaration that the order dated 20.04.2024 passed by the 1st respondent - Returning Officer in terms of Annexure-AH rejecting the nomination of the petitioner filed to No.05-Gulbarga (SC) Parliamentary Constituency to General Elections to the House of People, 2024 (Lok Sabha), is improper. Certain other reliefs were sought, which could be stated to be subsidiary reliefs flowing from the relief of declaration at Prayer-B of the "PRAYER" Column.

2. The petitioner has sought for setting aside the order at Annexure-AH. In terms of the said order, the Returning Officer had rejected the nomination at the time of scrutiny on the ground that the caste certificate of the Petitioner as Scheduled Caste (Beda Jangama) was declared invalid by the concerned authorities. The election petition has narrated in detail the facts, tracing the right of the petitioner as belonging to Scheduled Caste category of Beda Jangama. The election petition also details the various stages of enquiry relating to his caste certificate. It is further specifically asserted that the said aspect of caste as on the date of filing of the election petition had still not attained finality.

3. A close reading of the pleadings would make it clear that the petitioner claimed right of belonging to the scheduled caste category and while noticing the pendency of Writ Appeal No. 200053/2024 before the Division Bench as on the date of filing the petition, it was contented that the action of rejection of his nomination was open to be called in question.

4. Application (I.A.3/2025) under Order VII Rule 11(a) and (d) read with Section 151 of Code of Civil Procedure, 1908 read with Section 87 of the Representation of People Act, 1951 has been filed by respondent No. 2. The grounds raised in support of the said application for rejection of the election petition include that the Writ Appeal No. 200053/2024 was finally allowed on 30.06.2025 while setting aside the order of the learned Single Judge in W.P. No. 201181/2023. It is noticed that the order of the learned Single Judge which had affirmed the caste certificate was set aside by the order of the Division Bench. The application further submits that in light of the categorical finding in Writ Appeal No. 200053/2024, the petitioner, who belongs to the Lingayat caste cannot claim the

benefit of Beda Jangama and the present election petition has been rendered infructuous. It further submitted that there is no subsisting cause of action to mount a challenge to the results in the election petition.

5. Sri. K. N. Phanindra, learned Senior Counsel appearing for the 2nd respondent submits that subsequent to the disposal of Writ Appeal No. 200053/2024, the Apex Court has dismissed the Special Leave to Appeal (C) Nos. 31506-31508/2025. Accordingly, it is submitted that in light of the affirmation of the order of the Division Bench, the substratum of the petitioner's election petition based on his belonging to Scheduled Caste having been taken away, the petition must be dismissed as having become infructuous.

6. The point for consideration is:

Whether the election petition could be disposed of as having become infructuous and not calling for adjudication in light of subsequent events?

7. In light of the order passed in Writ Appeal No. 200053/2024, as affirmed in Special Leave to Appeal (C) Nos. 31506-31508/2025, insofar as application under Order VII Rule 11(a) and (d) is concerned, it must be noticed that the application is also filed invoking power under Section 151 of CPC. It must be noticed that undisputedly the rejection of the petitioner's nomination at Annexure-AH is on the premise of rejection of his caste certificate. It is a matter of record that petitioner's status by placing reliance on the caste certificate of Beda Jangama having been rejected has attained finality in Writ Appeal No. 200053/2024. The Division Bench in Writ Appeal No. 200053/2024 at Paragraph No.77 has observed as follows:

> *"77. Thus, once material on record would indicate that the petitioner Ravindra Swamy to be a 'Lingayat', the question of him claiming the benefit of 'Beda Jangama' does not arise. Mere grant of 'Beda Jangama' Certificate to a member of the family would not permit issuance of certificate to other claimant if they are not entitled as they belong to 'Veerashaiva Lingayat' Community."*

8. It must be noticed that even if Order VII Rule 11 has certain limitations, the power under Section 151 could be extended. Even in election petitions where facts would make out that the matter does not call for adjudication in light of certain subsequent events if occurred even subsequent to filing of the election petition, necessary orders could be passed closing such proceedings. The Apex Court in the case of ***Shipping Corporation of India Limited vs. Machado Brothers and others - (2004) 11 SCC 168,*** referring to the scope of Order VII Rule 11 has also looked into the power under Section 151 of CPC. The observations made at para 25 of the said judgment would be of relevance and reads as follows:

> ***"25.*** *Thus it is clear that by the subsequent event if the original proceeding has become infructuous, ex debito justitiae, it will be the duty of the court to take such action as is necessary in the interest of justice, which includes disposing of infructuous litigation. For the said purpose it will be open to the parties concerned to make an application under Section 151 CPC to bring to the notice of the court the facts and circumstances which have made the pending litigation infructuous. Of course, when such an application is made, the court will enquire into the alleged facts and circumstances to find out whether the pending litigation has in fact become infructuous or not."*

9. It is clear from a reading of the above observations that it is the duty of the Court to take such action as is necessary in the interest of justice which includes disposing of infructuous litigations. The judgment of the Apex Court in the case of ***T. Arivandandam v. T. V. Satyapal - (1977) 4 SCC 467*** is on the same lines.

10. It is clear that the premise on which the election petition has been filed is that the petitioner belongs to Scheduled Caste category and his nomination was wrongly rejected, that would follow from reading of the relevant paragraphs of the election petition. The prayer of declaration at Prayer (B) of the Prayer column cannot be considered in light of the petitioner's status now being affirmed as one belonging to the Lingayat Community and negativing his claim of belonging to schedule caste category. Noticing that the election petition has been filed seeking for relief with respect to the constituency which was reserved to Scheduled Caste category and in light of the premise of legal attack as regards rejection of nomination being based on his caste, at present in light of the subsequent events of the declaration in Writ Appeal No. 200053/2024 that he cannot claim benefit of scheduled caste i.e. Beda Jangama and as affirmed by the Apex Court, the matter cannot proceed for adjudication.

11. In light of these subsequent events as reflected in the orders of the Court, the adjudication as regards contention relating to improper rejection of nomination, being premised only on his status as claimed by him of belonging to Scheduled Caste, no longer can be entered into and even if any order is passed, the petitioner would not be entitled to claim the relief in prayer (B) of declaration as sought for.

12. Accordingly, noticing that his claim of improper rejection of nomination, as on date will have to be upheld by virtue of declaration regarding his caste. Absolutely no purpose would be served in continuing the present proceedings. Accordingly, the election petition deserves to be dismissed as not calling for adjudication in light of his caste certificate of scheduled caste having been set aside by virtue of the order passed in Writ Appeal No. 200053/2024 and as affirmed by dismissal of Special Leave to Appeal (C) Nos. 31506-31508/2025.

13. In light of the above, the point for consideration is answered in 'affirmative' and the election petition stands ***rejected***. I.A. No.3/2025 is allowed.

SD/-
JUDGE

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BHABAJIT DEKA