

(2025) 03 KAR CK 0486

In the Karnataka High Court, Principal Bench

Case No : Writ Petition No. 6672 Of 2025 (GM-R/C)

Durgamma Devalay Trust (R)

APPELLANT

Vs

State Of Karnataka & Ors.

RESPONDENT

Date of Decision : 06-03-2025

Acts Referred:

Citation : (2025) 03 KAR CK 0486

Hon'ble Judges : Anu Sivaraman, J;Vijaykumar A. Patil, J

Bench : Single Bench

Advocate : Preethi G, M.V. Anoop Kumar

Final Decision : Disposed Of

Judgement

M. Nagaprasanna, J

1. Heard Sri. Murugesh V. Charati, learned counsel appearing for the petitioner, Sri. Seshu V., learned HCGP appearing for the respondents and have perused the material on record.

2. The petitioner as an annual ritual is again before this Court seeking the same relief that was sought for in the year 2024. This Court in W.P.No.7976/2024 dated 19.04.2024, had passed the following order:

"2. The subject petition is preferred in the wake of a jathra being held in Hulkal betta. This Court, on 15.03.2024, had passed the following order:

"The captioned writ petition is filed seeking mandamus against respondents to issue appropriate direction to the respondents to make arrangements in order to perform Jathra Mahothsava at Hulkal Betta scheduled on 16.03.2024 to 23.03.2024.

Learned counsel appearing for the petitioner reiterating the grounds would bring to the notice of this Court that the Jathra Mahothsava is performed every year under the supervision of the Tahasildar and during that particular period, the

Tahasildar has handed over deities to enable the devotees to perform Jathra Mahothsava.

This factual matrix is not seriously disputed by the learned AGA.

On the contrary, the learned AGA on instructions submits that the State is willing to co-operate and handover the deities to enable the devotees to perform Jathra Mahothsava scheduled to be held on 16.03.2024 to 23.03.2024 subject to supervision of the jurisdictional Tahasildar.

The said statement is taken on record.

The petitioner is hereby permitted to perform Jathra Mahothsava at Hulkal Betta scheduled to be held from 16.03.2024 to 23.03.2024 under the supervision of the jurisdictional Tahasildar subject to handing over deities after completion of Jathra Mahothsava.

Learned AGA accepts notice for respondent Nos.1 to 3

Issue emergent notice to respondent No.4."

And again on 08.04.2024 the following order was passed:

"The learned Additional Government Advocate to secure instructions with regard to opening of the temple as the learned counsel Mr.Chandrakanth Ariga, for respondent No.4 submits that the temple has been closed and nobody is performing pooja to the deity as the present Archak who was performing pooja has allegedly gone missing for months.

List the matter on 16.04.2024 for preliminary hearing."

3. Learned counsel for petitioner submits that the jathra is already over, as such, the petition is rendered infructuous.

4. Learned counsel for the 4th respondent makes a hue and cry about the lock being put to the temple in which he is said to be performing pooja.

5. Learned Additional Government Advocate submits that the 4th respondent has been removed from service and the said removal is pending consideration in a separate writ petition No.5115 of 2021. If that be so, it is for the 4th respondent to agitate all his rights in the said petition and not venture seeking orders in some other petition.

With the aforesaid observations, petition stands disposed.

Pending applications if any, also stand disposed."

3. Learned counsel appearing for the petitioner submits that if the same order is passed for this year as well, it would suffice.

4. Learned HCGP would also submit that adequate police protection should be granted for, so that there would not be any law and order problem.

5. In that light, I deem it appropriate to dispose the petition with the same liberty as is observed hereinabove with an added direction that the Deputy Commissioner shall oversee that there would be no law and order problem and if necessary, adequate police protection be granted at the time of Jathra.

With the aforesaid observations, the petition stands disposed.