

(2006) 07 KAR CK 0006

In the Karnataka High Court

Case No : Writ Petition No. 26975 of 2000

Eshwara Devaru Temple, M.D. Kote and Others

APPELLANT

Vs

Land Tribunal and Others

RESPONDENT

Date of Decision : 13-07-2006

Acts Referred:

Citation : (2006) 4 KCCR 2005

Hon'ble Judges : Ram Mohan Reddy, J

Bench : Single Bench

Advocate : Patel D. Karegowda, for the Appellant; Ramesh B. Aneppanavar, Government Advocate for Respondents 1 and 2 and B.M. Siddappa and R. Padmanabha for Respondent 3, for the Respondent

Final Decision : Dismissed

Judgement

Ram Mohan Reddy, J.—The Petitioners claim to be the vahivatdars and devotees of the temple Shri Eshwara Devaru of M.D. Kote village, calling in question the order dated 17.6.1999 Annexure-B of the Land Tribunal, Hiriyur, in case No. LRM (Inam) 53 of 1991-92, granting occupancy rights over the lands in Survey No. 376, in favour of the third respondent.

2. The Petitioners state that Eshwara Devaru Temple being a private temple its affairs are managed by the Petitioners. Except for this assertion, no materials are placed to establish the fact that it is a private temple.

3. On a perusal of the records of the proceedings before the Deputy Commissioner, Chithradurga, it is apparent that the temple a Muzarai institution was represented by the Tahasildar the Muzarai Officer. The order impugned is not challenged by the Tahasildar acting as a Muzarai Officer.

4. The question as to whether the vehivatdars and devotees of the temple can question the order of the Land Tribunal, need not detain the Court for long.

5. The provisions of the Karnataka Land Reforms Act, 1961, for short Act, cannot

be said to exclude devotees from challenging the order made by the Land Tribunal. As the deity itself cannot appear, worshipers can sue on behalf of the deity, though they have no unqualified right to sue with reference to the properties of the deity, except in case where trustee is negligent or is alienating the property or any breach of trust.

In the instant case, there is not a whisper in the Memorandum of Writ Petition, alleging either negligence or of alienation or breach of trust on the part of the Muzarai Officer, the Tahasildar. It is needless to state that Petitioners having no unqualified rights to sue have no locus standi to question the order impugned of the Deputy Commissioner.

This writ petition is accordingly rejected.