

(2008) 09 KAR CK 0048

In the Karnataka High Court

Case No : Writ Petition No. 6495 of 2007

Grama Devathe Sri Renuka Parameshwari (Kodhihallamma)
Devasthanada Jeernodhara Samithi

APPELLANT

Vs

Commissioner, Hindu Religious Institution and Charitable
Endowments and Others

RESPONDENT

Date of Decision : 23-09-2008

Acts Referred:

Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 —
Section 1 (4) (ii), 42, 43

Citation : (2008) ILR (Kar) 4849 : (2009) 1 KarLJ 427 : (2008) 5 KCCR 3210

Hon'ble Judges : N.K. Patil, J

Bench : Single Bench

Advocate : Neelakanthaiah, for the Appellant; B. Veerappa, AGA, for the Respondent

Final Decision : Dismissed

Judgement

N.K. Patil, J.—Petitioner in this petition is a Temple Samithi represented by its Secretary. Petitioner has sought for quashing the decision of the first respondent dated 13th February 2006 vide Annexure-F. Further, petitioner has sought for a direction, directing the first respondent to reconsider the matter of declaring the Temple in question, viz., Sri Renuka Parameshwari (Kodihallamma) Temple, as a Muzarai Temple or a declared Institution u/s 43 of the Act of 1997 as sought for by the villagers.

2. Petitioner herein is an Association of persons, registered under the provisions of the Karnataka Societies Registration Act, 1960 as per the Registration Certificate issued by the District Registrar of Societies, Chitradurga dated 5th May 2003. All the villagers submitted a memorandum to the Government through the Higher Education Minister and the second respondent - Deputy Commissioner, Chitradurga District, complaining about the mismanagement of the Temple funds by the Hallikara Community, who are in-charge of the pooja

and other affairs of the Temple and requested the competent authority to declare Sri Renuka Parameshwari (Kodihallamma) Temple (hereinafter called "Temple" for short) as a Muzrai Temple or a declared Institution u/s 43 of the Act.

3. In the light of the memorandum submitted by the villagers through the petitioner -Association, the Tahsildar, Hiriya, after conducting enquiry, submitted his report to the Assistant Commissioner, Chitradurga, recommending for declaration of the said Temple u/s 45 of the Act on 14th November 2005.

4. Thereafter, the Deputy Commissioner, Chitradurga also sent a communication to the first respondent, requesting to declare the said Temple as Muzrai Temple on 20th January 2006. The first respondent, after careful perusal of the memorandum submitted by the villagers through the petitioner - Association, report submitted by the Tahsildar, Hiriya, the recommendation sent by the Assistant Commissioner which was forwarded by the Deputy Commissioner, has taken a decision to return the proposal for declaring the said Temple as Muzrai Temple or a declared Institution u/s 43 of the Act, as referred above. Assailing the correctness of the impugned order, returning the proposal for declaring the said Temple as Muzrai or a Declared Institution, petitioner herein felt necessitated to present the instant writ petition, seeking appropriate reliefs, as stated supra,.

5. After careful perusal of the grounds urged by petitioner in the instant writ petition, including the report submitted by the Tahsildar, Hiriya, and the Assistant Commissioner, Chitradurga, which was forwarded by the Deputy Commissioner, Chitradurga to the first respondent and after hearing the learned Additional Government advocate appearing for respondents, what emerges is that, the first respondent has after critical evaluation of the report submitted by all the three authorities referred above, has taken a decision with reference to Section 1(4)(ii) of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 stating that, on the basis of the records available on file and the report submitted by the subordinate officers, the Temple in question has been formed by a particular sect, viz. "Manyada Hallikara" Community, and hence, it cannot be declared as Muzrai Temple or a Declared Institution.

6. As per Section 1(4)(ii) of the aforesaid Act, the reasoning given by first respondent for returning the proposal forwarded by the competent authorities is just and proper. As seen from the material available on file and after careful perusal of Section 1(4)(ii) of the aforesaid Act, it is manifest on the face of the contents of the said provision that, it is worshipped by a particular community, viz. Manyada Hallikara community.

7. Therefore, it cannot be declared as Muzrai Temple or a Declared Institution as provided under Sections 42 and 43 of the Act. The reasons assigned by the first respondent for returning the proposal are in consonance with the relevant provisions of the aforesaid Act. Hence, interference by this Court is not justifiable, nor i find any good grounds made out by petitioner to consider the

prayer sought for by petitioner in the instant writ petition.

8. In the light of the facts and circumstances of the case, as stated above, the writ petition filed by petitioner is liable to be dismissed as devoid of merits. Accordingly, it is dismissed.

9. However, regarding the averments made in the writ petition that there is mismanagement and mis-utilization of the funds of the Temple. It is needless to clarify that, it is open for petitioner to redress their grievances before the appropriate competent authority under the Societies Registration Act, if they are so advised or need arise.