

(2013) 01 KAR CK 0096

In the Karnataka High Court

Case No : Writ Petition No. 3868/2013 (GM-R/C)

Sri. Manjunatha Archaka

APPELLANT

Vs

The Assistant Commissioner, The Deputy Commissioner,
Hindu Religious and Charitable Endowments, The Rajya
Dharmika Parishat and The State of Karnataka

RESPONDENT

Date of Decision : 24-01-2013

Acts Referred:

Citation : (2013) 01 KAR CK 0096

Hon'ble Judges : Mohan M. Shantana Goudar, J

Bench : Single Bench

Judgement

Mohan M. Shantanagoudar, J.—Learned Government Advocate takes notice for respondents 1, 2 and 4.

Sri. B.S. Sachin is directed to take notice for respondent No. 3.

Heard.

The petitioner has sought for the following relief:-

Issue a writ in the nature of certiorari and quash the Notification dated 3.12.2012 bearing No. DVS: EST (2) CR71/2012-13/57169) (produced as Annexure-A) issued by the 1st respondent inviting application from the public for the membership of managing committee, in so far as it pertains to the temple at Sl. No. 44, Kundapura Taluk in the notification is concerned.

By virtue of the impugned notification at Annexure-A, dated 3.12.2012, the Deputy Commissioner has called for applications for appointment of members of Trust Committee.

Petitioner's case is that he has established Maraladevi Temple at Hattiyangadi Village, Kundapur Taluk. It is an old temple founded by the ancestors of the petitioner. The ancestors of the petitioner have been performing pooja in Garbhadugi of the said temple since long time. Now the petitioner has been

performing pooja. However, the said temple is notified by the State Government vide its notification dated 30.4.2003.

2. It seems, the petitioner has approached the third respondent praying for denotifying the said temple. Notice is issued to the petitioner to appear. One of such notices is produced at Annexure-E, dated 3.11.2012, by which the petitioner is directed to appear on 7.12.2012. Nothing is forthcoming as to what has happened thereafter.

Be that as it may, the petitioner is before the third respondent and he will have to pursue his remedy before the third respondent for denotification. There is no interim order granted by any authorities/Courts in favour of the petitioner. Therefore, the relief as sought for by the petitioner cannot be granted, particularly when the order/notification notifying temple is neither recalled or modified by the State till this day. The petitioner has to pursue his remedy before the third respondent.

The third respondent is directed to complete the whole process of hearing and decide the application filed by the petitioner as early as possible, but not later than the outer limit of eight weeks from the date of receipt of this order.

However, in the meanwhile, no steps shall be taken to appoint the Trustees/ Archaks for the temple in question.

It is made clear that this order is made having regard to the peculiar facts and circumstances of the case. Hence this order shall not be a precedent.

With the aforesaid observations, writ petition is disposed of.