
(2008) 11 KAR CK 0014
In the Karnataka High Court
Case No : Writ Petition No. 13001 of 2007

U.K. Theertha Rama

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 05-11-2008

Acts Referred:

Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 —
Section 25

Citation : (2009) 1 KarLJ 163

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

Bench : Single Bench

Advocate : Padubidri Mohan Rao, for the Appellant; H.T. Narendra Prasad, High Court Government Pleader for Respondents-1 to 3 and K. Srikrishna, for Respondent-4, for the Respondent

Final Decision : Dismissed

Judgement

N.K. Patil, J.—Though this matter is posted today in orders list, the matter is taken up for final disposal, having regard to the nature of the relief sought for by petitioner and on the ground that, similar matters have been already disposed of by this Court, as submitted by learned Government Pleader appearing for respondents 1 to 3.

2. In the instant case, petitioner is assailing the correctness of the impugned Notification dated 25-7-2007 issued by the third respondent bearing No. DVS:EST(2):CR:62:2007-08, vide Annexure-A, calling applications from the interested persons for appointment of members of the Committee of Management of Sri Mallikarjuna Temple, Thodikana, Sulya Taluk.

3. The only grievance of the petitioner as made out by learned Counsel appearing for petitioner in the instant writ petition is that, petitioner's temple is an ancient temple being managed and administered by the hereditary trustees/archaks and the committee of trustees elected by the devotees which had been accorded approval by the respondents. It is the further case of the petitioner

that, second respondent has issued a circular to the third respondent-Deputy Commissioner to exempt some temples from constituting the Committees u/s 25 of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (for short, "Endowments Act, 1997"). As per the directions issued by the second respondent, the third respondent has issued the impugned notification dated 25th July, 2007 calling applications from the public for appointment of the Members of the Committee of Management to the Temple as provided u/s 25 of the said Act.

4. The case of the petitioner is that, he is the Managing Trustee of Sri Mallikarjuna Temple and neither the second respondent nor the third respondent have got any rights to issue such notification calling applications from the public who are interested to become the members of the Committee of Management of the said temple. Therefore, petitioner was constrained to present this writ petition seeking appropriate relief as stated supra.

5. I have heard learned Counsel appearing for petitioner, learned Government Pleader appearing for respondents 1 to 3 and learned Counsel appearing for respondent 4.

6. After careful perusal of the prayer sought for by petitioner in this writ petition, it emerges that, the third respondent has issued the impugned notification calling applications from the interested persons for appointment as the members of the Committee of Management and to administer and monitor and activities of Sri Mallikarjuna Temple, Thodikana Sulya Taluk. On perusal of the preamble of the impugned notification, it is crystal clear that, it is in no way affect the hereditary managing committee members. What has been called for in the said notification is, the applications from the intending persons for appointment as the members of the Committee of Management and if they are found eligible, their cases will be considered as per Section 25 of the Endowments Act, 1997. It is not the case of the petitioner that, he is an applicant and he has filed application and therefore, petitioner has no locus standi to redress his grievance by assailing the correctness of the impugned notification issued by the third respondent vide Annexure-A as per the relevant provisions of the Endowments Act, 1997.

7. The main ground taken by the petitioner in the instant writ petition is that, the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997, has been struck down by the Division Bench of this Court in W.A. No. 3522 of 2005 and other connected matters and therefore, the impugned notification issued by third respondent is not sustainable. It is significant to note that, against the order passed by the Division Bench of this Court, the State Government has filed a SLP before the Apex Court and obtained interim order of stay. Therefore, in view of the interim order granted by the Apex Court, there is no impediment for the 3rd respondent to issue notification calling applications from the persons for appointment as the members of the Committee of Management of the said temple. Therefore, the said ground taken by petitioner cannot be accepted nor it has not any substance.

8. In the light of the facts and circumstances of the case as stated above, I do not find any error or illegality, as such, committed by the third respondent in issuing the impugned notification calling applications from the public for appointment as members of the Committee of Management of the temple as referred above. Nor the petitioner has made out any good grounds to interfere in the impugned notification issued by the third respondent. Hence, the writ petition filed by petitioner is liable to be dismissed as misconceived. Ordered accordingly.

9. In view of disposal of the writ petition, the prayers sought in LA. Nos. I and III of 2008 do not survive for consideration. Hence, I.A. Nos. I and III of 2008 stand disposed of, as having become infructuous.