



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

WRIT PETITION NO. 20373 OF 2022 (GM-R/C)

BETWEEN:

1. SRI GURUDATH N
S/O LATE S NARAYAN SHASTRY
AGED ABOUT 53 YEARS
R/AT NAGALAMADIKE VILLAGE AND POST,
PAVAGADA TALUK - 572 136
TUMKUR DISTRICT.
2. SRI. NAGAPANI SHARMA P
S/O LATE N BALASUBRAMANIAM
AGED ABOUT 27 YEARS
R/AT NAGALAMADIKE VILLAGE AND POST,
PAVAGADA TALUK - 572 136
TUMKUR DISTRICT.
3. SRI. ANANTHA KUMAR P B
S/O LATE N BALASUBRAMANIAM
AGED ABOUT 25 YEARS
R/AT NAGALAMADIKE VILLAGE AND POST,
PAVAGADA TALUK - 572 136
TUMKUR DISTRICT.

...PETITIONERS

(BY SRI. SRIKANTH M P., ADVOCATE)

AND:

1. THE COMMISSIONER
HINDHU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT
MALEMAHADESHWARA VARTHA BHAVAN



ALUR VENKATA RAO ROAD,
CHAMPARAJPETE
BENGALURU - 560 018.

2. THE DEPUTY COMMISSIONER
TUMKUR DISTRICT
TUMKUR - 572 101.
3. SRI. P BHADRINATH
S/O LATE P BLASUBRAMANIYAM,
AGED ABOUT 61 YEARS
ARCHAK, SRI. SUBRAMANYA TEMPLE,
NAGALAMADIKE VILLAGE AND POST,
PAVAGADA TALUK 572 136
TUMKUR DISTRICT.

...RESPONDENTS

(BY SRI.MAHANTESH SHETTAR, AGA FOR R1 & R2;
SRI.G.S.BALAGANGADHAR, ADVOCATE FOR R3)

THIS W.P. FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER DATED 25.03.2022 PASSED ON APPEAL NO.ADM7/AP/14/2011-12 AND ADM 7/AP 15/2011-12 BY THE R-1 VIDE ANNEXURE-J; SET ASIDE THE ORDER DATED 14.12.2011 PASSED ON DISPUTE NO.DVS(2) C.R.79/1999-2000 AND DISPUTE NO. DVS (2) C.R.43/2007-08 BY THE R-2 VIDE ANNEXURE-H; DIRECT THE R-1 AND 2 TO APPOINT THE PETITIONERS AS HEREDITARY ARCHAKS OF NAGALAMADIKE SRI SUBRAMANYESHWARA TEMPLE, NAGALAMADIKE, PAVAGADA TALUK, TUMKUR DISTRICT, ETC.,



THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard the learned counsel appearing for the parties.

2. In this writ petition, petitioners are assailing the order dated 25.03.2022 in Appeal Nos.ADM 7/APPELLANT 14/2011-12 and ADM 7/AP15/2011-12 (Annexure-J) passed by Respondent No.1 and the dispute between the parties as per the order dated 14.12.2011 passed in Dispute No.DVS (2) C.R. 79/ 1999-2000 and Dispute No.DVS(2) C.R.43/2007-08 (Annexure-H) passed by Respondent No.2 *inter-alia* sought for a direction to Respondent Nos.1 and 2 to appoint the petitioners as Hereditary Archakas of Nagalamadike Sri.Subramanyeshwara Temple, Nagalamadike, Pavagada Taluk, Tumkur District.



3. Sri.M.P.Srikanth, learned counsel appearing for the petitioners invited the attention of the Court to the order dated 14.12.2011 (Annexure-H) passed by the Respondent No.2, and further contended that the Respondent No.2 has issued notice at Annexure-G directing the petitioners to appear for the enquiry on 16.12.2011 and therefore, the entire impugned action by the Respondent No.2 is contrary to the calendar and the Deputy Commissioner has not aware about the actual dates in the calendar and therefore, he contended that the impugned action by the Respondent No.2 requires interference in this petition.

4. Per contra, Sri.G.S.Balagangadhar, learned counsel representing Respondent No.3 invited the attention of the Court to the order dated 31.07.2003 in W.P.No.819 of 2003 (GM-R/C) (Annexure-F) and contended that this Court after considering the entire material on record, has remitted the matter for limited purpose, and therefore, the repeated remand by this Court



does not arise in the facts and circumstances of the case, as the rights of the Hereditary Archakas of the Temple in question is already crystallized and therefore, sought for dismissal of the petition.

5. Shri.Mahantesh Shettar, learned AGA submitted in support of the impugned orders by the Respondent - authorities.

6. In the light of the submission made by the learned counsel appearing for the parties, I have carefully examined the finding recorded by this Court in W.P.No. 819 of 2003 dated 31.07.2003 (Annexure-F) to the petition. This Court allowed the writ petition filed by the Respondent No.3 herein and remitted the matter to the Deputy Commissioner to decide the rights of the parties, in accordance with law. In this regard, on careful examination of the Annexure-G, wherein the summons was issued to the petitioners herein to appear on 16.12.2011 at 03.00 pm for enquiry. However, the Respondent No.2 has passed the order on 14.12.2011



itself without understanding the regular calendar in the month of December, 2011 and therefore, I find force in the submission made by the learned counsel appearing for the petitioner that the Respondent No.2 is not aware about the student of fifth standard arithmetic of understanding the calendar of the year and therefore, the impugned order passed by Respondent No.2 at Annexure-H dated 14.12.2011 is hereby set aside and the matter is remitted to Respondent No.2 to reconsider the issue afresh, after affording opportunity of hearing to all the parties concerned, in the light of the observation made by this Court in W.P.No.819 of 2003 dated 31.07.2003 (Annexure-F) to the writ petition. It is also to be noted that, in the light of the observation made above, that the impugned order at Annexure-H is *non-est* in law, I am of the view that the order dated 25.03.2022 (Annexure-J) passed by the Respondent No.1 does not survive for consideration, affirming the order passed by Respondent



No.2, as the respondent has not applied its mind in a manner known to law.

7. In the result, I pass the following:

ORDER

- i) The writ petition is allowed.
- ii) The order dated 25.03.2022 passed in Appeal Nos.ADM 7/AP 14/2011-12 and ADM 7/AP 15/2011-12 (Annexure-J) passed by Respondent No.1 is hereby set aside.
- iii) The order dated 14.12.2011 passed on Dispute No.DVS(2)C.R.79/1999-2000 and Dispute No.DVS(2) C.R.43/2007-08 (Annexure-H) passed by Respondent No.2 is hereby set aside and the matter is remitted to the Respondent No.2 to reconsider the issue afresh after affording



opportunity of hearing to all the parties concerned.

iv) It is also made clear that as the Respondent No.3 had the benefit of the order passed by this Court as per Annexure-F in W.P.No.819 of 2003 and therefore, the interregnum benefit made in favour of Respondent No.3 insofar as the performance of the pooja of the Temple in question is concerned will be continued till the consideration of the dispute by the Respondent No.2. The Respondent No.2 is directed to conclude the proceedings at the earliest, with an outer limit of three months from the date of receipt of this order.

v) Since the parties have appeared through their learned counsels and as the impugned order at Annexure-H is passed in the year 2011, I am of



the view that, the hearing before the Respondent No.2, be expedited, and parties are directed to appear before the Respondent No.2 on 28th of January, 2026 at 3.00 pm.

In view of disposal of the writ petition, all pending interlocutory applications are accordingly disposed of.

**Sd/-
(E.S.INDIRESH)
JUDGE**