

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION No. 17115 OF 2013 (GM-R/C)

C/W

WRIT PETITION No. 9306 OF 2013 (GM-R/C)

IN WRIT PETITION NO. 17115 OF 2013

BETWEEN:

KARNATAKA RAJYA DHARMIKA PARISHAT
CONSTITUTED UNDER THE PROVISIONS OF
HINDU RELIGIOUS INSTITUTIONS AND CHARITABLE
ENDOWMENTS ACT, 1997
III FLOOR, "MAHADESWARA VARTHA BHAVAN",
ALUR VENKAT RAO ROAD
CHAMARAJPET
BANGALORE-560 018
REPRESENTED BY ITS EX-OFFICIO SECRETARY.

...PETITIONER

(BY SRI. SRIRANGA S., SENIOR ADVOCATE A/W
SRI. GOKUL Y.P., AND Ms.SUMANA NAGANAND)

AND:

- 1 . SRI R RAGHOTHAMAN
S/O R MADHAVA RAO
AGED ABOUT 62 YEARS
RESIDING AT NO.101, 8TH CROSS
9TH MAIN, RMV EXTENSION
SADASHIVANAGAR
BANGALORE-560 080.
- 2 . THE ASSISTANT COMMISSIONER
MUZURAI WORKS CITY AREA
PODIUM BLOCK

BANGALORE-560 001.

- 3 . THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
MULTI STORIED BUILDING
BANGALORE-560 001.

...RESPONDENTS

(BY SRI. UDAY HOLLA SENIOR ADVOCATE FOR
SRI. VIVEK HOLLA., ADVOCATE FOR R1;
SMT. PRATHIMA HONNAPUR, AAG A/W
SRI. MAHANTESH SHETTAR, AGA FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 15.09.2011 AT ANNEXURE-H PASSED BY THE R3; DECLARE THAT THE R3 IS NOT COMPETENT AUTHORITY TO ISSUE NOC U/S 20 A [2][V] OF KARNATAKA HINDU RELIGIOUS INSTITUTIONS AND CHARITABLE ENDOWMENTS ACT 1997.

IN WRIT PETITION NO. 9306 OF 2013

BETWEEN:

1. THE STATE OF KARNATAKA
REPRESENTED BY THE CHIEF SECRETARY
VIDHANA SOUDHA
BANGALORE - 560 001.
2. ASSISTANT COMMISSIONER
MUZARAI WORKS
CITY AREA, PODIUM BLOCK
BANGALORE - 560 001.

...PETITIONERS

(BY SMT. PRATHIMA HONNAPUR, AAG A/W
SRI. MAHANTESH SHETTAR., AGA)

AND:

- 1 . SRI R RAGHOTHAMAN
S/O R MADHAVA RAO
AGED ABOUT 62 YEARS

R/A NO.101, 8TH CROSS
9TH MAIN, RMV EXTENSION
SADASHIVANAGAR,
BANGALORE-560 001.

2 . THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS AND
CHARITABLE ENDOWMENTS IN KARNATAKA
ALUR VENKATARAO ROAD
CHAMARAJPET,
BANGALORE-560 018.

3 . THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT,
MULTI STORIED BUILDING,
BANGALORE-560 001.

...RESPONDENTS

(BY SRI. UDAY HOLLA SENIOR ADVOCATE A/W
SRI. VIVEK HOLLA., ADVOCATE FOR R1;
SMT. SRINIVAS KUMAR M., HCGP FOR R2 AND R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE ORDER AT ANNEXURE-L DATED 15.09.2011
PASSED BY R-3.

THESE WRIT PETITIONS HAVING BEEN HEARD AND
RESERVED ON 06.07.2026 FOR ORDER COMING ON FOR
PRONOUNCEMENT THIS DAY, THIS COURT MADE THE
FOLLOWING:

CORAM: HON'BLE MR JUSTICE M.G.S. KAMAL

CAV ORDER

1. Petition in W.P.No.9306/2013 is filed by the State
represented by Chief Secretary as well as the Assistant
Commissioner, Muzarai Works. While the petition in

W.P.No.17115/2013 is filed by the Karnataka Rajya Dharmika Parishat, questioning the order dated 15.09.2011 passed by respondent No.3-The Secretary to the Government, Revenue Department as per Annexure-L in W.P.No.9306/2013 and Annexure-H in W.P.No.17115/2013.

2. The brief facts of the case are:

(a) That the immovable properties bearing Municipal Nos.88, 88/1, 88/2, 88/3, 88/4, 88/10 and 89, measuring 2 acres 34 guntas situated between Krishna Rajendra Road and Pampa Mahakavi Road, Bengaluru city, belonged to one Sri Rai Raya Rai Kollam R.Venkatarao Chathram (hereinafter referred to as 'Chathram').

(b) Management of said Chathram and its adjoining properties was taken over by the then Government of Mysore under the Government Order No.1400-04/Muz 222-32-6 dated 03.04.1933. Ever since then, Chathram and its properties are under the control of Muzrai Department. The said order and the proceedings thereof were stayed by the Chief Secretary in terms of order dated 08.09.1934, pending disposal of representation made by one Sri.R.Vasudeva Rao.

(c) Subsequently the said stay was vacated by an order dated 23.03.1937 and order dated 03.04.1933 became final and the same has not been challenged in any

competent Court of Civil Jurisdiction under Section 21 of the Mysore Religious and Charitable Institution Act, 1921.

(d) The Government had appointed Dharmadarshi, for managing the affairs of the Chathram, Muzrai department has been paying the tax thereof.

(e) Certain portion of the said land had been leased to Dr.Chikkananjappa, BMS Nursing Home, "Agamatraya Mahamandali", Bengaluru Sri.Krishna Vadiraja Mandira etc. The market value of the property as on the date when the petition was filed was approximately Rs.200/- crores.

(f) Respondent No.1 namely Sri.R.Raghothaman claiming to be the great grandson of Sri.R.Venkatarao and he having succeeded to the said property had earlier filed a petition in W.P.No.35011/2001 seeking direction to the Assistant Director Land Records/enquiry officer to hold an enquiry regarding title of the property in question and to consider the representation dated 31.08.2001. The said writ petition was dismissed on 13.07.2005 directing respondent to approach Civil Court for redressal of his grievance.

(g) Against the said order of dismissal, respondent No.1 herein had preferred a writ appeal in W.A.No.3262/2005 which was disposed of upon the submission made by respondent No.1 that he would not press the relief as sought for. However sought for direction to the Commissioner, Hindu Religious Institution and Charitable Endowments in Karnataka to consider his representation

dated 31.08.2001 for issuance of 'no objection certificate', for deletion or removal of the word, "management" by the department of Muzrai. Thus, the issue with regard to claim or title of the property was required to be decided by the competent civil Court and the same has become final.

(h) Respondent No.1 thereafter approached the Commissioner, Hindu Religious Institutions and Charitable Endowments in Karnataka, Bengaluru (hereinafter referred to as 'Commissioner') seeking no objection certificate, for deletion or removal of the words "under management" of Department of Muzrai in respect of the aforesaid Chathram in the records of the corporation and for delivery of the possession of the Chathram land and its property to his family.

(i) Respondent No.2 had filed detailed statement of objections. However Commissioner by order dated 07.06.2008 allowed the application holding that the respondent No.1 and his family is entitled to manage the Chathram. In the said order Commissioner had further held that there were no records available before him to demonstrate respondent No.1 or his ancestors were divested of the ownership of the property. Respondent No.1 was directed to approach the Government for issuance of "no objection certificate", for deletion/removal of the word "management" by the Department of Muzrai in the revenue records and for delivery of possession of Chathram. Being aggrieved by the said order of the Commissioner dated 07.06.2008,

the Assistant Commissioner-respondent No.2 filed a writ petition in W.P.No.8042/2009. The said writ petition was disposed of with an observation that the Commissioner had exceeded his jurisdiction by embarking upon the question of title and recorded a finding in favour of respondent No.1. It also clarified the scope of the Commissioner was limited as to whether no objection certificate could be issued or not. The Court had held that the matter was seized before the State Government which required to consider whether a no-objection certificate was required to be issued or not. Such consideration shall be after notice to respondent No.2 and also the State Government shall not be weighed by any observation made by the Commissioner regarding the title in the course of the order and shall consider the same based on the document made available by the parties. Accordingly remitted the matter to the State to consider whether the respondent was required to be issued no objection or not. Respondent No.3 issued notice to respondent No.1 and respondent No.2. Respondent No.1 filed his representation along with document. Respondent No.2 filed detailed objections. After hearing the parties, respondent No.3 affirmed the order dated 07.06.2008 which was earlier passed by the Commissioner by his order dated 15.09.2011. Respondent No.3 failed to take note of the observation made by this Court in its order dated 19.01.2010 passed in W.P.No.8042/2009 thereby exceeded jurisdiction in concluding that respondent No.1 was entitled for no objection certificate.

(j) It is the contention of Karnataka Rajya Dharmika Parishat- petitioner in W.P.No.17115/2013 that with effect from 04.05.2011 the date on which the Karnataka Act of 27 of 2011 came into force, it is Karnataka Dharmika Parishat which is the authority competent to issue "No Objection Certificate" and Respondent No.3 has passed an order in favour of respondent No.1 holding that he is entitled for "No Objection Certificate" which is without jurisdiction.

(k) Respondent No.2 had issued a communication dated 25.03.2011, Publication of properties of Muzrai institution in the gazette which was challenged by respondent No.1 in W.P.No.23093/2011. Based on the order passed by respondent No.3 dated 15.09.2011, the writ petition in W.P.No.23093/2011 was allowed. Respondent No.1 failed to implead Karnataka Rajya Dharmika Parishat- petitioner herein as a party to the said writ petition. Being aggrieved by the order passed by respondent No.3, respondent No.2-Assistant Commissioner, Muzrai Department filed Writ Petition in W.P.No.9306/2013 challenging the very same order on similar grounds, seeking setting aside of the said order.

3. Objection statement is filed by respondent No.1 to the above writ petition contending:

(a) that the Karnataka Rajya Dharmika Parishat, the petitioner in W.P.No.17115/2013 has come into existence pursuant to amendment to Section 20A of the Karnataka Hindu Religious Institutions and Charitable Endowments Amendment Act, 1997 and after 04.05.2011. Before

amendment, all the powers that is now being exercised by the Parishat was vested with the Commissioner, Hindu Religious Institutions and Charitable Endowments Act. Under Sections 50 and 53 of the Act, Commissioner was vested with the power to institute and hold enquiries and also to decide on the issue as to whether a particular property was a property of notified institution under the Act or not. He having exercised such power as rightly held in the impugned order that respondent No.1 herein and his family members are the owners of the property in question and the Government could consider granting no objection certificate. Since, petitioner-Parishat was not in existence as on the date when the Commissioner passed the order, it has no locus standi to maintain the present writ petition.

(b) that in terms of the Karnataka Government (Allocation of Business Rules, 1977) Muzrai including Religious Institutions and Endowments, come within the purview of Department of Revenue. Hence the Minister and Secretary of Department of Revenue are in charge of Hindu Religious Institutions and Charitable Endowments. Order impugned has been passed by the Secretary to the Government, Department of Revenue, who is none other than the Secretary who is also incharge of Hindu Religious Institutions and Charitable Endowments.

(c) As per Section 20 of the Act, it is the Minister in charge of Hindu Religious Institutions and Charitable Endowments who is the chairman of the Rajya Dharmika Parishat. The petitioner herein and the Secretary to the

Government incharge of Hindu Religious Institutions and Charitable Endowments is the Vice Chairman. Having regard to the fact that the Secretary himself on behalf of the Minister and the Government has passed the order as per Annexure-H, the Commissioner Hindu Religious Institutions and Charitable Endowments has passed an order as per Annexure- F. It is not permissible for them to challenge their own order under the guise of filing the petition in the name of Rajya Dharmika Parishat.

(d) that the Commissioner, Hindu Religious Institutions and Charitable Endowments and the Secretary to the Government, Department of Revenue have passed the orders as per Annexures-F and H after examining the whole factual scenario and the documents on record and both the authorities have given specific finding that the respondent No.1 and his predecessors are absolute owners of the property in question and it is their private property and that the Government had no right over the same.

(e) A reference is also made to the order dated 09.03.1906 passed by the erstwhile Government granting the land in exchange to the land which was taken over by the Government. That since said order was not implemented and the possession of the land was not handed over to Raghunatha Rao, the Government of Mysore had thereafter passed an order dated 14.04.1910 and directed Deputy Commissioner of Bangalore District to hand over the land measuring 2 acres 34 guntas in the area known as Chikkanna garden situated between

Theosophical Society land, Padmanabhaiah's land, Fort Center Road and IV Main Road of the new extension. Possession of the said land was also handed over to Raghunatha Rao. A Chathram was built thereon called Rai Raya Kalyana Mantap. Since Dewan Bahadur R.Ragunatha Rao was holding the post of Dewan of Indore, the Chathram was being managed by the managers appointed by Dewan Bahadur R.Ragunatha Rao and his family members.

(f) The Government had granted inam lands to Dewan Bahadur Raghunatha Rao from and out of income of which, Chathram was being run. On 03.04.1933 and 23.03.1937, State Government had passed an order taking over or cancelling the said inam land and the same stood vested with the Government. The said order relates to the inam land and not to the Chathram, which is a private property of the Dewan Bahadur R.Ragunatha Rao and his family.

(g) That pursuant to the aforesaid order, revenue records in respect to the said Chathram stood in the name of family of Raghunatha Rao. All of a sudden in the year 1974, an endorsement came to be made in the revenue records pertaining to Chathram, that it was managed by Department of Muzrai. Respondent No.1 being the grandson of Dewan Bahadur R.Ragunatha Rao, gave representation to the Government to delete/remove the word "management" by the department of Muzrai, in the revenue records of City Corporation in respect of

Chathram in question and also to hand over the Chathram to them.

(h) Since the authorities have failed and neglected to consider the representation, he had filed W.P.No.35011/2001 which was rejected. The writ appeal in W.A.No.3262/2005 filed by respondents was disposed of with a direction to the Commissioner, Hindu Religious Institutions and Charitable Endowments in Karnataka to consider his representation dated 31.08.2001 for issuance of 'no objection certificate', for deletion or removal of the word, "management" by the department of Muzrai, in accordance with law and dispose of same within a period of four months.

(i) It is in furtherance of the said order Commissioner after hearing the parties had passed elaborate well reasoned order dated 07.06.2008, holding that the family of Venkatarao was entitled to manage the Chathram in question and the respondent No.1 was at liberty to approach the Government for issuance of no objection certificate seeking deletion of the words 'management' by Department of Muzrai.

(j) Said order was challenged by the Assistant Commissioner in W.P.No.8042/2008, which came to be disposed of on 19.01.2010, directing that the State Government shall not be weighed by any observation made by the Commissioner regarding the title in the course of the order and shall consider the same based on the document made available by the parties.

(k) Subsequent thereof, when the matter was taken up before the Revenue Secretary, Assistant Commissioner, Muzrai issued a Letter dated 23.05.2011 to the Executive Office of the Chathram, to remit a sum of Rs.8,000/- for publishing in the Karnataka Gazette, list of temples belonging to Muzrai department and falling within the jurisdiction of Bengaluru City. Since the matter was pending before the Government relating to the issue of no-objection certificate in relation to Chathram, respondent No.1 filed Writ petition No.23093/2011 before this Court. During the pendency of the writ petition, respondent No.3 passed the order which is impugned in the present petition at Annexure-H holding the respondent being the legal heir of R.Venkatarrao and R.Raghunathrao was entitled for issuance of "no objection certificate".

Thus, contending as above and traversing the averments and allegations made in the writ petitions, dismissal of the same are sought.

SUBMISSIONS:

4. Smt. Prathima Honnapur, learned Additional Advocate General appearing along with Sri.Mahanthesh Shettar, learned Additional Government Advocate for the petitioners in W.P.No.9306/2013 referring to the dates of events and documents furnished, submitted:

(a) that on 09.03.1906, the then Government of Mysore in a proceedings bearing No.9263-6/MI-591-04, had directed for grant of land measuring 2 acres, situated opposite to City Institute and to the East of Basavanagudi Road in Bangalore City, free of cost in favour of Dewan Bahadur Ranganatha Rao, specifically for the purpose of erecting a new Chathram. That the said proceedings also indicate the cost of construction of Chathram to be at Rs.12,000/-.

(b) That the contents of the said proceedings establish beyond any reasonable doubt, the purpose of grant of land which was only to construct a Chathram and no title or interest in the land is created in favour of Dewan Bahadur Ranganatha Rao.

(c) Referring to Proceedings dated 14.04.1910, whereby the then Government of Mysore had granted 2 acres 34 guntas of land in Sy.No.136/8 of Doddabylakani Village, Bangalore Taluk to Dewan Bahadur Ranganatha Rao, free of cost to build Chathram for the use of public, it is submitted that the said land in Sy.No.136/8 of Doddabylakani Village, Bangalore Taluk was subsequently merged with the City Survey Numbers and was assigned with the City Survey Numbers.88/1, 88/2, 88/3, 88/4, 88/10 and 89.

(d) That by subsequent order dated 20.06.1929, since the grantee had failed to take care of the property efficiently, the Muzrai Department was recommended to resume the inam land and to dispose of the inam land in

public auction and further directed to use the income derived from the inam land granted to run the Chathram.

(e) By order dated 03.04.1933, the then Government of Mysore had accorded sanction to assume the management of Chathram and its properties by the Government and for appointment of a committee of Dharmadarshis to manage the institution. Muzrai commissioner by his letter dated 08.09.1934 had requested pending disposal of the representation received from Mr.R.Vasudeva Rao in the matter, further proceedings in accordance with the orders contained under Government Order dated 03.04.1933 be stayed.

(f) Subsequently, the management of Chathram was taken under the control of Government vide Government Order No.MCCCI-06/Muzrai 38-34-3. Ever since then, the management of the Chathram and its property has been under the control of Muzrai Department. That Maharaja of Mysore had passed an order confirming the order dated 03.04.1933 on the ground that the petitioner therein should render satisfactory account for the proper utilisation of income from the inam lands, that the front portion of the Chathram built and which was in occupation of the then Manager should be vacated within a period of one month, reserving some small portion for him on the opposite side. Since the two important conditions were not fulfilled and they were unlikely to be fulfilled, the Government had already passed order dated 03.04.1933 to take over the possession of the institutions and properties.

(g) Necessary entries in the City Survey records were made on 17.11.1974 by the Director of Land Records, Enquiry Officer, Zone II stating that the property was under control of Muzrai department and was managed by the convener and Dharmadarshi. An endorsement dated 19.11.1994 came to be issued certifying that the revenue records pertaining to Chathram were continued in the name of State Government of Mysore Department from the year 1937.

(h) Things stood thus on 31.08.2001, respondent No.1- R.Raghothaman filed application before the Endowment Commissioner requesting for delivery and possession of the land and the Chathram and for issuance of NOC for the property claiming same to have belonged to him. She specifically refers to the subsequent orders passed by this Court in W.P.No.35011/2001, W.A.No.3262/2005 and the order passed in W.P.No.8042/2009.

(i) That despite there being a repeated direction by this Court for respondent No.1 to establish his right independently by constituting a suit and a direction to the revenue authorities to consider the request of respondent No.1 only to the extent of issuance of a NOC without delving into the question of title, respondent authorities have passed the order exceeding the jurisdiction.

(j) That till today the order passed by the then Government of Mysore, assuming the management of Chathram and its properties vide order dated 03.04.1933 which was confirmed subsequently by orders dated 08.09.1934 and 23.03.1937 has not been questioned or

challenged by the respondent No.1 and the same has attained finality. The said orders specifically proceed on the premise the land belonged to Government and was given to Dewan Bahadur Ranganatha Rao only for the purpose of erecting a new Chathram and no right, title or interest were ever requested or created in the name of said Dewan Bahadur Ranganatha Rao.

(k) Thus, she submits unless and until respondent No.1 establishes his right, title and interest over the property in a properly constituted suit before a competent Court of Civil jurisdiction, the respondent authorities ought not to have adverted to and given a finding with regard to title of the property.

Hence seeks for allowing of the writ petitions.

5. Sri. Sriranga, learned Senior counsel appearing for the petitioner in W.P.No.17115/2013 submitted;

(a) That in terms of Section 20A of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 it is the Parishat which is vested with the power of management of the religious institutions.

(b) That the orders impugned in these petitions have been passed without even making Parishat as a party. No right, title or interest independently having been proved and established by respondent No.1, respondent-authorities ought not to have passed the impugned order. Hence seeks for allowing of the petition.

6. Sri. Udaya Holla, learned Senior counsel appearing for respondent No.1, on the other hand, extensively reading the documents more particularly the proceedings of the Central and Revenue Department of the Government of His Highness of Maharaja of Mysore for the month of March, 1906, order of the Division Bench of this Court in W.A.No.3262/2005, Proceedings of the Government Order dated 14.04.1910 and Communication dated 17.05.1910, ensued between Dewan Bahadur Ranganatha Rao and the then Secretary-Government of Mysore, vehemently submitted;

(a) That the said record would reveal the subject land was given/ granted to Dewan Bahadur Ranganatha Rao in exchange for his land that was utilised for the purpose of Gundopanth Street.

(b) That the contents of proceedings dated 14.04.1910 would fortify this aspect of the matter wherein the Deputy Commissioner of Bangalore District was requested to complete the acquisition of the property referred to above and to take possession and deliver it to the Dewan Bahadur Ranganatha Rao at an earlier date.

(c) That this aspect of the matter has transpired at an undisputed point in time and continued so until issuance of impugned communications, possession and enjoyment of the property has remained with the original grantee,

Dewan Bahadur Ranganatha Rao and upon his demise within his family.

(d) That the impugned orders have been passed pursuant to the direction issued by the Division Bench of this Court in W.A.No.3262/2005, wherein this Court setting aside the order of the Single Judge passed in W.P.No.35011/2001 dated 13.07.2011, had specifically directed the Commissioner to consider the representation of the petitioner dated 31.08.2001 in which the respondent No.1 had contended and claimed right, title and interest over the subject property.

(e) Referring to the contents of the order passed by the Commissioner submitted that since the respondent-State had itself raised the issue of ownership of the property and had even set up a claim of adverse possession, the same has been adverted to by the Assistant Commissioner, thereafter by the Commissioner and the same therefore cannot be found fault with.

(f) Referring to Paragraph Nos.14.5 to 14.27, 16 to 16.18 of the order passed by the Commissioner to contend that every contentious issue has been taken note of and only thereafter order recommending issuance of No Objection certificate has been issued. Adverting to the issue of title was incidentally without which request for issuance of No Objection Certificate as directed by the Division Bench could not have been granted.

(g) He referring to the paragraph Nos.2, 4, 30 and 31 of the judgment of the Apex Court in the case of **Union of**

India Vs Raja Muhammed Amir Muhammed Khan reported in **2005 8 SCC 696**, submitted that it was incumbent upon the respondent-State authorities to have discharged their duties in accordance with law and in good faith which has been done in the instant case and cannot be found fault with.

(h) He also referred to the judgments of the Apex Court in the cases of ***Tukaramkana Joshi Vs Maharasta Industrial Development Corporation*** reported in **2013 1 SCC 530**, ***Mahesh Chandra Banerjee Vs Uttar Pradesh Avas Evam Vikas Parishad*** reported in **2010 7 SCC 439**, as well as ***Vydya Devi Vs State of Himachal Pradesh and others*** reported in **2022 SCC 569** to contend that though fundamental right to property that was earlier granted has been taken away. The same has been recognised under Article 300A and 21 of the Constitution to hold the right to property as a human right, violation of which or deprivation of which can only happen strictly in accordance with law. He submitted that even if by virtue of order of the year 1933 the lands were taken over by the respondent-Authority, the same was without due process of law and not binding on the petitioner. Hence seeks for dismissal of the petitions.

7. Heard and perused the records.
8. The points that arise for consideration are:

"(i) Whether the respondent No.3-Secretary to the Government, Revenue Department, Government of Karnataka is justified in passing

the impugned order dated 15.09.2011 by holding that the subject land was granted in favour of Dewan Bahadur R. Raghunath Rao and that he was the owner in possession of the said land ?

(ii) Whether the petitioners have made out a case for quashing the order dated 15.09.2011 passed by the respondent No.3?"

9. Extract of certain undisputed records relied upon by both the parties are essential for the purpose of this case. In that, Sl.No.4 of the file pertaining to " Abstract Tabular Statement, Part-B of Proceedings of the General and Revenue Department, for March, 1906, of the Government of His Highness of Maharaja of Mysore" read as under:

Serial No. of File	Number and date of letter and contents	Refer ences
	File No.M1.391 of 1904-05.	
	Petition of Dewan Bahadur R. Raghunatha Rao	
1	From Dewan Bahadur R. Raghunatha Rao of Kumbakonam, petition dated 26th January 1905.	
	Expresses his intention of building a new choultry in a suitable locality of Bangalore City in lieu of his father's choultry at S. Siddikatto and asks for the grant of a site for the purpose.	
2	To the President, Municipal Commission, Bangalore City, No. 6813 dated 8th February 1905.	
	Forwards the above with a request to select a place and place the matter before the Board and then submit their resolution together with his opinion thereon.	
3	To Dewan Bahadur R. Raghunatha Rao, letter No. 6814, dated 8th February 1905.	
	Inform him that his application has been forwarded to the President of the Bangalore City Municipal Commission, for being placed before the Board, and that final orders will be communicated to him on receipt	

4	<i>of the Board's opinion in the matter".</i> <i>"From the President, Municipal Commission, Bangalore City, No. 118, dated 21st September, 1905.</i> <i>Submits for orders a copy of the Board's resolution decided that the site at the junction of No.V main of Chamarajendrapet and the road from New Taragupet to Basavangudi may be given to Dewan Bahadur R. Raghunatha Rao, for building a chattram in exchange for the land utilised for the purpose in Gundopanth Street, provided a decent structure is erected on it costing between Rs.10,000 and Rs.15,000."</i>	
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10. This was followed by the Government Order dated 09.03.1906 and order dated 14.04.1910. Order dated 14.04.1910 read as under:

"Order thereon, No.9223-8 Dated Bangalore, the 14th April 1910.

Government are pleased to direct that the vacant land. S.No.136/8 of Doddabylakhane village, Bangalore Taluk.@ (marked C. in the sketch). known as Chikkanna's garden measuring 2 acres 34 guntas in extent and situated between the Theosophical Society's grounds, Padmanabiah's land, the Fort Centre Road and the IV Main Road of the New Extension, be granted to the Hon'ble Dewan Bahadur R. Ragunatha Rao free of cost, in lieu of the one granted in Government Order No.9263-6/M1.391-4 dated the 9th March 1906, for building a Chattram for the use of the public. The Deputy Commissioner of the Bangalore District is requested to complete the acquisition of the property referred to above and to take possession and deliver it to the Hon'ble Dewan Bahadur R.Ragunatha Rao, at an early date.

The cost of acquisition, which is estimated to be about Rs.3.397-12-0, will be debited to the Muzrai funds."

11. It is important also to refer to the copy of the communication/letter issued by Sri. Raghunatha Rao as addressed to Secretary of the Government of Mysore dated 17.05.1910 which read as under:

*Basvapur extension
Bangalore, 17th May, 1910*

From,

*C. Raghunatha Rao
agent of the Hon'ble
Dewan Bahadur, R Ragoonatha Rao
CSI
Bangalore.*

To

*The Secretary
To the Government of Mysore
General and Revenue Departments,
Bangalore.*

Sir,

I have the honor to inform you that in pursuance of Government Order No. 9223-8/MOI. 358-08 dated 14th April 1910, granting the land known as Chikanna's garden to the Honorable Dewan Bahadur Ragoonatha Rao CSI for building a Chathram, I was placed in possession of the site by Mr.N.Subba Rao, Vice President, Bangalore City Municipal Commission, on the Saturday the 14th instant.

I have the honour to add that I shall at once set about the work of construction.

*I have the honour to be
Sir,
your most obedient servant
Signed G.Raghunatha Rao,*

Copy is forwarded to Mr.N.Subba Rao, Vice President, Bangalore City Municipal Commission for information.

Signed C.Raghunatha Rao,

*Copy to the Honour Dewan Bahadoor R.Ragoonatha Rao
C.S.I for information.*

12. Close perusal of the aforesaid revenue proceedings and the communications as rightly pointed out by learned Additional Advocate General that the land in question was granted or given to Dewan Bahadur Raghunatha Rao, for the purpose of construction of a Chattram. Cost of construction is also mentioned to be between Rs.10,000/- and Rs.15,000/-.
13. Contents of the letter extracted hereinabove acknowledging receipt of possession of said land also indicate an assurance being given to commence the work of construction. The construction of Chattram was also for public purposes.
14. Another letter dated 04.04.1910 issued by The Secretary to the Government General Revenue Department reads as under:

*General and Revenue Secretariat,
Dated Bangalore, 4th April 1910.*

My dear sir,

With reference to the question of a site for your Chattram in the Bangalore City, I am directed to inform you that the site opposite to the City Institute, which was original ordered to be given for the purpose could not be made available as the Fort Trench which form a part of the site had not yet been fully filled in and as it was found necessary to keep the site vacant for being used as play ground and recreation ground for the boys of the Vokkaligar Sangha and for the student population of the City generally.

2. The question of assigning another site for the Chattram has been under consideration for some time past, and I have pleasure in informing you that H.H. the Maharaja has approved

of the land known as Chikanna's garden in the Chamarajpet--- Extension of the city being allotted for the Chattram free of cost. It is 2 acres and 34 guntas in extent, is situated between the Fort and the new Extension to the south of the Chamarajpet Extension, and is within easy reach of the Victoria Hospital, being about the same distance from the Hospital as the site opposite the City Institute; and it has been approved of by your Agent Mr.C.Ragunatha Rao. The land referred to has been already notified for acquisition. I shall be glad to know for the Dewan's information whether the site is acceptable to you. On hearing from you in the affirmative early steps will be taken to complete the acquisition proceedings and to hand over the site to your Agent.

*Yours sincerely,
Secretary
to Govt. General and Revenue Deptt.*

15. Relevant also to refer to the document produced at Annexure-C produced at page No.96 of the compilation, filed on behalf of the petitioners, which read as under:

"General and Revenue Secretariat"

Part B for 3rd April, 1933

SUBJECT.

"Assumption of the management of Dewan Bahadur Raghunatha Rao's Chattram and its properties are of the Muz. Commissioner, Revenue Court,. Comptroller, Superintendent, Revenue survey and the President, Bangalore City Municipal Council.

No.1400-4 of 03.04.33"

16. Proceedings of the Government of His Highness the Maharaja of Mysore produced at page No.104 of the compilation, filed on behalf of the petitioners, read as under:

"Government order No.2796-99/Muz.336-27-13, dated 22nd June 1929 laying down certain conditions for observance by the Honor of Dewan Bahadur Raghunatha Rao Chattram at Bangalore for proper administration of the Institution and directing that certain improvements to the building should be executed in the order of their urgency.

2. Letter No.602/32-33 dated 14th February 1933 from the Muzrai Commissioner stating that the chattram building referred to in the order read above was inspected by the Sub Division officer,

Bangalore, who found the main portion of the building to be in the occupation of Mr.P.Srinivas Rao, the Manager of the chattram, that only the back portion of it which is in a very insanitary and dirty condition, had been reserved for patients attending the Ophthalmic Hospital, that the Manager had neither done anything to effect the improvements contemplated in the order read above, nor shown any signs of carrying out the overall instructions issued about the better management of the Institution and its endowments that the accounts prescribed in Rule 7 of Rules published in Notification No.1467/Muz.226-26-5 dated 22nd February 1928 are not being maintained, that the small account book kept by the Manager included all manner of items not strictly relating to the Chattram, that the items of expenditure relating to the Chattram are not supported by voucher, that the Deputy Commissioner, who also inspected the Chattram consider that the condition of the Chattram will not improve unless the institution and its properties are taken over by Government and a Committee of Dharmadarshi appointed to manage it and requesting that condition to take the Chattram and its properties under Government management may be accorded under Section 18 (1) of the Mysore Religious and Charitable Institutions Regulation, as the affairs of the institution are allowed to drift and as the managers have failed to avail themselves of the concession shown to them by Government.

Order No.1400-4/Muz 222-32-6

Dated, Bangalore the 1st April 1933.

The recommendation of the Muzrai Commissioner is sanctioned. Necessary further action may be taken as proposed by the Muzrai Commissioner in regard to this as well as about the disposal of the old Chattram Building at Kengeri, Bangalore Taluk.

Sd/-

For Financial Secretary to Government."

17. Also relevant to refer to proceedings of the Government of

His Highness of Maharaja Mysore for 03.04.1933.

Wherein at Sl.No.186, following is mentioned under the heading "Muzrai",

" 186. Raghunatha Rao's Choultry. Sanctions the proposal of the Muzrai Commissioner to take the - at Bangalore and its properties under Government management and to the disposal of the old Chattram at Kengeri, Bangalore Taluk. [To the Muzrai Commissioner, Comptroller, the President, Bangalore City Municipal Council, the Revenue Commissioner and the Superintendent, Revenue Survey]."

1400-4-Muz 222-32-6, April 3.

18. Further communication dated 09.09.1934 at Annexure-D of compilation filed by the petitioner at Page No.112, read as under:

GOVERNMENT OF HIS HIGHNESS MAHARAJA OF MYSORE

General and Revenue Secretariat
Dated, Bangalore, 9th September 1934

From,

H. Ranga Rao, B.A. B.L.
Chief Secretary to the Government of His Highness the Maharaja of Mysore

To,

The Muzrai Commissioner in Mysore, Bangalore.

Sir,

With reference to the order issued with Government Order No.1400-4/Muz.222-32-6 dated 3rd April, 1933, sanctioning Dewan Bahadur, Raghunatha Rao's Chattram at Bangalore and the Inam endowed thereto being brought under the management of Government, I am directed to state that pending disposal of further representation same received from Mr.R. Vasudeva Rao in the matter. All further proceedings in accordance with the above said Government Order may be stayed.

*I have the honour to be,
Sir,
Your most obedient servant,*

*(Sd) R.Ranga Rao,
Chief Secretary to Government*

19. Further order dated 23.03.1937, at Annexure-E at page No.113 of the compilation filed by the petitioner, read as under:

ORDER No.1301-6/MUZ-38-34-3

Dated, Bangalore the 23rd March 1937

"Mr. R.Vasudeva Rao made repeated requests both oral and written for an opportunity to explain his case personally to Government. He was given plenty of opportunity to represent his

case, but he has not chosen to avail himself of it till now. Government are therefore pleased to pass the following final order in the matter.

It is clear from an examination of records that lands at Kerlapur Village, Bangalore Taluk, were endowed for the upkeep of Dewan Bahadur R. Raghunatha Rao's Chattram at Bangalore and that a site in Shankarpuram extension on the western side of the Fort was given free of cost for the purpose of constructing the chattram. The records of the Inam settlement contain a mention of the former grant. On the other hand the whole argument of Mr.R.Vasudeva Rao,, in his petition seems to be based on the plea that the lands were granted to the family with full discretion to exercise unfettered powers in the management of the Chattram. This contention cannot be allowed. The Chattram is a Muzrai Institution and must be therefore subject to the restrictions contained in the Religious and Charitable Institutions Regulations.

As regards the conditions mentioned in Government order No.2796-99/Muz.336-27-13 dated the 22nd June 1929. Mr.R.Vasudeva Rao contended that all the improvements required have been carried out and that all the conditions has been fulfilled. This is opposed to the reports of the local officers. On an inspection of the Chattram, the Government find that the family have carried out some of the improvements mentioned therein but that the following main conditions still remain to be fulfilled viz.,

(1) that the petitioner should render satisfactory accounts for the proper utilisation of the income from Inam lands,

(2) that the front portion of the chattram building occupied by the Manager should be vacated within a period of one month reserving some small portion for him on the opposite side.

These are important conditions which have not yet been fulfilled and are not likely to be fulfilled judging from the tenor of the correspondence. In these circumstances the orders already passed in Government Order No.1400-4/Muz-222-32-6 dated the 3rd April 1933 (which were stayed pending disposal of Mr.Vasudeva Rao's representation) to take over possession of the institution and its properties to Government and appoint a committee of Dharmadarshi to manage them are confined, and the stay order is withdrawn. The Muzrai Commissioner is requested to take early action in the matter, in appointing a Committee of Dharmadarshi, a representative of the founder's family may be included, if they agree to it."

20. Clearly, what emanates from the above is that lands at Keralapur Village, Bangalore Taluk, were endowed for the upkeep of Dewan Bahadur R. Raghunatha Rao's Chattram at Bangalore and that a site in Shankarpuram extension on the western side of the Fort was given free of cost for the purpose of constructing the chathram. The contentions of Mr.R.Vasudeva Rao, claiming that the lands were granted to the family with full discretion to exercise unfettered powers in the management of the Chathram has been declined and rejected. It is categorically found that the Chathram is a Muzrai Institution and was subject to the restrictions contained in the Religious and Charitable Institutions Regulations. This aspect of the matter has not been questioned or disputed before any forum.
21. Things stood thus, respondent No.1 herein has re-initiated the proceedings by submitting a representation dated 31.08.2001 at Annexure-F addressed to the respondent-Commissioner, Religious Endowment and Muzrai Department, claiming right, title and interest over the subject land. Copy of the said representation is produced

at page No.118 of the compilation. The subject narrated in the said representation, read as under :

" Sub: Delivery of possession of land and issuance of "NO OBJECTION CERTIFICATE" of the property belonging to our great grandfather late Kollam Venkat Rao (First Native Assist. Government of Mysore) grant property to his son Dewan Bahadur R. Raghunatharao (CSI) after the death of R. Venkatar Rao, land situated in old Sy. No. 136/8 of Doddabylakane Village, (now City Sy. No.44, 7 and 9) Municipal No.88, 88/1, 88/2, 88/3, 88/4, 88/10 and 89, extent of 2 acres 34 guntas, land situated in between Krishnarajendra Road and Pampamahakavi Road."

22. Though the said representation runs into 10 pages, there is no mention of any nature with regard to the orders that were passed in the year 1933, resuming the said Chathram, its management and all its properties by the then Government of Mysore.

23. This Court, by order dated 13.07.2005, passed in W.P.No.35011/2001, which was filed by respondent No.1 herein seeking direction to hold an enquiry regarding title of his property and to pass appropriate order, had dismissed the writ petition by holding as under:

" 4. As the matter involves disputed question of title, it cannot be gone into in a writ proceeding. This is a well settled position in law in view of a long line of decisions by the Hon'ble Supreme Court. Accordingly, the appropriate remedy to the petitioner is to approach a competent Civil Court for necessary reliefs."

24. As against the said order, respondent No.1 herein preferred an appeal in W.A.No.3262/2005. Paragraph 2 of the said order read as under:

"2. At the time of hearing, Sri Ram Bhat, learned senior counsel appearing for the appellant-petitioner would submit that the appellant is not pressing any of the reliefs sought in the writ petition except a direction to the third respondent to consider the appellant's representation marked as Annexure-K produced at page-57 of the material papers dated 31.08.2001. Sri S.Prakash Shetty, learned Government Advocate would further submit that there is absolutely no substance in the claim put forth by the appellant in his representation dated 31.08.2001. It is not for us to consider the merit of the claim made by the appellant-petitioner in his representation dated 31.08.2001 and it is for the Commissioner, Religious and Charitable Endowment, the third respondent herein to consider the representation. In that view of the matter, we partly allow the writ appeal and set aside the order of the learned single Judge dated 13.07.2001 in W.P.No.35011 of 2001. A direction shall issue to the third respondent to consider the representation of the appellant-petitioner marked as Annexure-K dated 31.08.2001 in accordance with law and dispose of the same within a period of 4 months from the date of receipt of a copy of Annexure-K from the appellant. The appellant is granted a month's time to file a copy of the representation dated 31.08.2001 before the third respondent. No costs."

25. It is upon the aforesaid directions issued by the Division Bench of this Court to consider representation, the respondent No.2-Commissioner, Hindu Religious Institution and Charitable Endowment, by order dated 07.06.2008 accepted the contention of respondent No.1 not only for his entitlement for issuance of No Objection certificate but also has held in his favour that the said land belonged to his forefathers and no records were

made available by the respondent-Authorities therein to demonstrate either applicant or his ancestors were divested of their ownership of the property in this case.

26. Upon challenge to the said order in W.P.No.8042/2009 this Court disposed of the said writ petition on 19.01.2010, with its observation at paragraph No.5, which read as under:

"5. Obviously the relief, which was sought for by respondent No.1 before the 2nd respondent was only for issue of a No Objection Certificate to the Corporation Authority and other concerned departments. Indeed the 2nd respondent was only required to consider whether No Objection Certificate can be issued. If ultimately the 2nd respondent was of the view that the No Objection Certificate is required to be issued by the State Government, it was not necessary for him to embark upon the question of title and record a finding in favour of the 1st respondent. Indeed such observation would go beyond the scope of the application made by the 1st respondent for issuance of a No Objection Certificate. Indeed the matter is now seized by the State Government, which is required to consider whether a No Objection Certificate is required to be issued or not. Such consideration shall be after notice to the petitioner and also the State Government shall not be weighed by any of the observations made by the 2nd respondent regarding title during the course of the order and shall consider the same based on the documents made available by the parties."

27. On such remand, the respondent No.3-Secretary of Revenue Department passed the impugned order dated 15.09.2011 as per Annexure-L in W.P.No.9306/2013 and Annexure-H in W.P.No.17115/2013, ignoring the directions issued by this Court not to be weighed down under the earlier observation made by respondent No.2-

Commissioner on the aspect of title, but to pass the order purely on the application seeking grant of No objection.

28. The respondent No.3-Secretary, Revenue Department, yet again, has proceed to enquire into the issue of title of respondent No.1 and his forefathers, despite there being specific directions by this Court in its order dated 19.10.2010 passed in W.P.No.8042/2009 as noted above.

29. As seen at paragraph Nos.14 to 18 of the impugned order dated 15.09.2011 passed by the respondent No.3-Secretary has opined *inter-alia*:

(a). That the property was granted by the Government as per order dated 09.03.1906 and 14.04.1910 to the Dewan Bahadur R. Ranganath Rao in exchange of land utilised by the Government in Gundopanth Street, Siddekatte. Said grant was absolute in favour of family of respondent No.1 (petitioner before the respondent No.3-Secretary).

(b). That the choultry was constructed by the Dewan Bahadur R. Ranganath Rao out of his own funds.

(c). That Government had granted 418 acres and 17 guntas of land in Karalapura Village as

inam for supporting running of chathram at Siddekatte.

(d) That only management of chathram was taken over by order dated 03.04.1933 and not the property. The adverse possession issue had been dealt with by Muzrai Commissioner.

(e) That possession of Muzrai Department is symbolical and does not amount to transfer/conferring ownership or title of the property in question in its favour.

(f) That in view of coming into force of Karnataka (Religious and Charitable) Inams Abolition Act, 1955, the land granted by the Government as inam seizes to be attached to the chathram and control of the Government is not clear.

30. It is based on the aforesaid reasoning, the impugned order has been passed.

31. The aforesaid reasoning runs contrary to the contents of the various orders extracted hereinabove, which clearly manifests that the grant of land was only for the purpose of construction of chathram for the public purposes, cost of which was also decided. The subsequent proceedings as extracted hereinabove, clearly indicate that the chathram and its management and properties were taken

over by the Muzrai Department, claim contrary to the same has been rejected as far as back in the year 1933.

32. Yet another aspect of the matter is respondent No.3- Secretary being a revenue authority has no jurisdiction to deal with, adjudicate and decide the issues relating to the right, title and interest in immovable property. It is only the competent Civil Court is empowered to adjudicate the dispute/title in respect of immovable properties. ***Jayamma Vs. State of Karnataka and others*** reported in ***ILR 2020 KAR 1449***.

33. Further, it is also pertinent to note, the very first petition filed by the petitioner in W.P.No.35011/2001 was for writ of mandamus directing the respondent therein, to hold an enquiry regarding title of the property and to pass appropriate order upon considering his aforesaid representation dated 31.08.2001, which was dismissed as noted above.

34. Though the respondent No.1 filed a Writ Appeal in W.A.No.3262/2005, he had given up his claim for enquiry regarding title of the property and had sought for mere direction for consideration of his representation, which was accepted by the Division Bench of this Court and

accordingly a direction was issued as seen at order dated 17.10.2005 passed in said Writ Appeal.

35. Therefore, petitioner having given up his claim for enquiry into the title, could not have pursued the matter specifically with regard to title before the respondent No.3-Secretary.
36. The reasoning given by the respondent No.3-Secretary at paragraph Nos.14 to 18 of the impugned order, cannot be sustained, as the same runs contrary to the directions issued by this Court, as well as the settled position of law regarding Revenue Authorities not having jurisdiction and authority to enquire into right, title and interest in respect of immovable properties, more particularly when the same involves complex and disputed questions of fact.
37. It is now brought to the notice of this Court that a notification dated 29.09.2012, as per Annexure-M produced at page No.189 of the compilation, has been issued by the respondent-State under Section 23 of the Karnataka Hindu Religious Institutions Charitable Endowments Act, 1997, notifying the subject Chathram to be a Hindu Religious Institution with retrospective effect from 01.05.2003.

38. In terms of Sections 20A and 28 of the Karnataka Hindu Religious Institutions Charitable Endowments Act, 1997, it is Rajya Dharmika Parishat, which is vested with the powers and functions of managing the Hindu notified Charitable Institutions. The said provisions read as under:

"20A. The powers and functions of the Rajya Dharmika Parishat.-

The powers and functions of the Rajya Dharmika Parishat shall be as follows, namely:-

- (1) The Rajya Dharmika Parishat shall be empowered to resolve any dispute,-*
 - (a) regarding religious practices, customs, usage, traditions and for that purpose it may consult experts to assist in resolving such disputes;*
 - (b) as to whether a temple is a public, private or denominational temple;*
 - (c) as to whether an institutions is a religious institution or a composite institution;*
 - (d) as to whether a trustee holds or held office as hereditary trustee of such institution.*
- (2) The Rajya Dharmika Parishat,-*
 - (i) may constitute a Committee of Management to the notified institution having gross annual income of rupees [twenty five lakhs] and above;*
 - (ii) may approve scheme for adoption of temples having an income of rupees two lakhs or less and to fix the terms of adoption;*
 - (iii) shall act as appellate authority in respect of orders passed by the Zilla Dharmika Parishat;*
 - (iv) for the purpose of resolving any dispute as provided under this section Nyayadhikarana may be constituted with the judicial member of the Parishat and the Commissioner as its members. If there is difference of opinion among the members the issue shall be decided by the Rajya Dharmika Parishat;*

- (v) may recommend to the State Government to issue notification and de- notification of the institutions required to be notified or deleted under the provisions of the Act;*
 - (vi) may dissolve Committee of Management of a notified institution having gross income of Rupees [twenty five lakhs] and above as provided under section 28 and to appoint administrator to the notified institutions under section 29;*
 - (vii) shall record the name of the member of the family, who is entitled to succeed to the office of hereditary trustee when a permanent vacancy occurs and if there is no dispute in the office of the hereditary trustee.]*
- (3) Administration of all religious institutions and charitable endowments shall be under the general superintendence and control of the Rajya Dharmika Parishat and such superintendence and control shall include the power to pass any order or issue any direction which may be necessary to ensure that such institutions and endowments are properly administered and their income is duly appropriated for the purpose for which they are founded or exist.]*

28. Power to dissolve the Committee of Management.- (1) The 1[Rajya Dharmika Parishat or Zilla Dharmika Parishat as the case may be]1 shall have power to dissolve a Committee of Management 2[including a member or hereditary trustee]2 if after holding an enquiry in accordance with sub-section (2), it is satisfied that the committee has;

- (a) failed to discharge the duties or perform the functions in accordance with the provisions of this Act or the rules made thereunder; or*
 - (b) disobeyed any lawful orders issued under the provisions of this Act or the rules made thereunder by the State Government or the Commissioner, Deputy Commissioner or Assistant Commissioner; or*
 - (c) committed any malfeasance or misfeasance or is guilty of breach of trust or misappropriation in respect of the properties of the institution or endowment;*
- (2) Where the 1[Rajya Dharmika Parishat or Zilla Dharmika Parishat as the case may be]1 proposes to take action under sub-section (1) it shall frame the charge against the Chairman and give him an opportunity of meeting such charge or testing the evidence adduced against the charge and of adducing evidence in favour of the Committee;*

2[including a member or hereditary trustee]2 and the order of dissolution shall state every charge framed against the Committee, 2[including a member or hereditary trustee]2 explanation offered by the committee 2[including a member or hereditary trustee]2 and the finding on such charge together with the reasons therefor.

(3) Pending enquiry under sub-section (2) the 1[Rajya Dharmika Parishat or Zilla Dharmika Parishat as the case may be]1 may suspend the Committee 2[including a member or hereditary trustee]2 and appoint an administrator in accordance with section 29.

(4) 3[xxx]3

(5) 4[xxx]4

39. The notification having been given retrospective effect, the question whether the Commissioner has jurisdiction to decide the matter will also have to be gone into.

40. Though the representation is dated 31.08.2001, the same was remanded for fresh consideration by order dated 19.01.2010 passed in W.P.No.8042/2009. The amendment to the Act, as noted above was effected on 04.05.2011 with retrospective effect. As noted above, it is the Rajya Dharmika Parishat, which is empowered and vested with powers to consider the representation of this nature and to make recommendations, if any, under Section 20A of the Act.

41. Points raised above are answered accordingly.

42. For the aforesaid reasons and analysis, the order passed by the respondent No.3-Secretary dated 15.09.2011 declaring the respondent No.1 to be the title holder of the property, is unsustainable. Accordingly, following:

ORDER

i) W.P.No.17115/2013 and W.P.No.9306/2013 are ***allowed***.

ii) Impugned order dated 15.09.2011 passed by respondent No.3 is quashed.

**SD/-
(M.G.S. KAMAL)
JUDGE**

SBN/RL