



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 2617 OF 2026 (GM-R/C)

BETWEEN:

SRI.R.N.GANGADHARAIHAH
S/O LATE NARASIMHAIAH,
AGED ABOUT 54 YEARS,
R/O RAJATHADRIPURA,
KIBBANAHALLI, TIPATUR TALUK,
TUMKUR DISTRICT-560 114.

...PETITIONER

(BY SRI. CHRISTOPHER NOEL A, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP, BY ITS SECRETARY,
DEPARTMENT OF HINDU RELIGIOUS INSTITUTIONS
AND CHARITABLE ENDOWMENTS,
VIDHANASOUDHA,
BANGALORE 560 001.
2. THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS
AND CHARITABLE ENDOWMENTS,
A.V.R. ROAD, CHAMARAJPET,
BENGALURU 560 018.
3. THE DEPUTY COMMISSIONER,
TUMAKURU DISTRICT,
TUMAKURU 572 101.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



4. THE ASSISTANT COMMISSIONER
TIPATURU SUB DIVISION,
TIPATURU 572 201.
5. TAHSILDAR,
TALUKU OFFICE,
TIPATURU TALUK,
TIPATURU 572 201.
6. SRI. PAWAN KUMAR,
S/O SRI. LATE LINGARAJU,
AGED ABOUT 33 YEAR,
RAJATHARIPURA VILLAGE,
KIBBANAHALLI HOBLI,
TIPTURU TALUKU,
TUMAKURU-572 114.

...RESPONDENTS

(BY SRI. C.H.DEVARAJ, GA FOR R-1 TO R-5
SRI. S.S. PARIKSHITH, ADVOCATE FOR R-6)

THIS W.P IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 15.12.2025 IN NO. DVS/03/COURT/CR/02/2024-25 PASSED BY THE 3RD RESPONDENT, AT ANNEXURE- A TO THE ABOVE WRIT PETITION, AND TO QUASH THE ORDER DATED 01.01.2026 IN NO. DVS (1) CR/48/25-26 PASSED BY THE RESPONDENT NO. 4, AT ANNEXURE- B TO THE ABOVE WRIT PETITION AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ



ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:

- (a) *Issue a Writ of certiorari or any other appropriate Writ, Order/Orders, or Directions, to quash the order dated 15.12.2025 in No. DVS/03/COURT/CR/02/2024-25 passed by the 3rd respondent, at Annexure A to the above Writ Petition, and to quash the order dated 01.01.2026 in No. DVS (1) CR/48/25-26 passed by the respondent No. 4, at Annexure B to the above writ petition.*
- (b) *Issue a Writ of Mandamus or any other appropriate Writ, Order/Orders, direction, directing the Respondents No. 1 to take necessary action for passing such orders by respondent No.3 and 4 to meet the ends of justice.*
- (c) *Grant such other relief/relief's that this Hon'ble Court deems fit to the facts and circumstances of the case, in the interest of Justice and Equity.*

2. The petitioner is challenging the order passed by respondent No.3 on 15.12.2025. Initially, when the matter was taken up on 05.02.2026, maintainability of the above petition was brought to the notice of this Court and a co-ordinate bench of this Court



noticing that maintainability of both Sections 50 and 27-B(6)(iii) of Karnataka Hindu Religious Institution Charitable Endowments Act, 1997 left that question open to be decided. Today, when the matter was taken up for hearing, the application which is submitted by the petitioner is under Section 50 of the Karnataka Hindu Religious Institution Charitable Endowments Act, 1997. But the prayer which has been sought for is for appointment of Hereditary Archak.

3. Section 50 of the Karnataka Hindu Religious Institution Charitable Endowments Act, 1997 is reproduced hereunder for easy reference:

50. Power to institute and hold enquiries.- (1) *The Commissioner or Deputy Commissioner or Assistant Commissioner may suo-motu or on receipt of a complaint in writing from any person having interest in any Notified Institution or Declared Institution, institute an enquiry with regard to the institution either generally or for any particular purpose.*

(2) *The Commissioner, Deputy Commissioner or Assistant Commissioner may either hold the enquiry himself or authorise any*



officer subordinate to him to hold the enquiry and the officer authorised to hold the enquiry shall after the enquiry, submit his report to the authorising officer.

(3) *For the purpose of any such enquiry, the officer holding the enquiry may, by notice, require any person to attend at a specified time and place and give evidence or produce documents which are in his custody or control and which relate to any matter in question at the enquiry.*

(4) *Necessary expenses of any person for appearing to give evidence or produce documents for the purpose of the enquiry shall be paid in the manner prescribed.*

(5) *The Deputy Commissioner or the Assistant Commissioner to whom the report is submitted under sub-section (2) shall forward the same to the Commissioner, who shall, if he is satisfied that there is a prima facie case against the Chairman, Executive Officer or other person connected with the Management of the Institution, take such steps as are necessary under the provisions of this Act, to protect the interest of the Institution.*

(6) *The Commissioner may at any stage of the enquiry call for the records of enquiry and examine the legality of any steps taken or order made and pass such order as he deems fit.*

4. A perusal of Section 50 of the Act would indicate that the same relates to enquiry in respect of any mismanagement in an Institution notified or otherwise by a Deputy Commissioner or the Assistant



Commissioner *suo-moto* or on a complaint being received, which relates to allegations against the Chairman, Executive Officer or other person connected with the management of the Institution. Thus, Section 50, though it relates to power to institute and hold enquiries, it is circumscribed by the nature and context of the said provision, which relates to mismanagement.

5. In the present case, though the petitioner had made an application for enquiry, the enquiry was in relation to verifying as to who is the Archak, who holds the Hereditary Office. The same comes within the purview of clause (iii) of sub-section (6) of Section 25B, which reads as under:

"25B. Power of the Deputy Commissioner to settle scheme for the administration of Charitable endowments and to decide certain other disputes. -

(6) Whenever any question arises as to-

(iii) Whether any Archak or temple servant holds or held an office in any notified institution or declared institution on the basis of a hereditary right."



6. A perusal of the said clause (iii) indicates that whenever any question arises as to whether any Archak or temple servant holds or held an Office in any notified institution or declared institution on the basis of hereditary right, Deputy Commissioner after hearing the parties concerned shall by order decide it. It is exactly this that the Deputy Commissioner has done in the impugned order in determining who is the Archak, who is holding the Office. A mere reference to Section 50 in the said order does not take away the fact that in terms of Section 25B(6)(iii) thereof, if any person is aggrieved by the order passed by the Deputy Commissioner shall appeal within a period of one month from the date of receipt of the order of the Commissioner.
7. Thus, the remedy provided to the petitioner, under such circumstances of the order passed by a Deputy Commissioner under Section 25B(6)(iii), is an appeal



to the Commissioner and not a writ petition before this Court.

8. In that view of the matter, this Court passes the following:

ORDER

- i) The writ petition is hereby ***dismissed*** as not maintainable.
- ii) Liberty is reserved in favour of the petitioner to file appropriate appeal before the Commissioner, which shall be filed within a period of 10 days from today.
- iii) In the event of such an appeal being filed within 10 days from today, the Appellate Authority, namely, the Commissioner shall consider the appeal in accordance with law.



- iv) The interim order earlier granted by this Court is extended by a period of 10 days i.e., from today to 29.06.2026.
- v) It is needless to say that if the appeal is not filed before 29.06.2026, the interim order will stand automatically vacated.
- vi) The petitioner would be entitled to the benefit of Section 14 of the Limitation Act, 1963.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE