



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT APPEAL NO. 688 OF 2026 (GM-R/C)

BETWEEN:

SRI S.N. SOMESH
S/O LATE NINGAPPA
AGED ABOUT 61 YEARS
ARCHAKARU
SHREE SOMESHWARA SWAMY AND
SHREE SHAMBHULINGESHWARA
SWAMY TEMPLE, SASALU VILLAGE
KIKKERI HOBLI, K.R. PETE TALUK
MANDYA DISTRICT - 571 423

...APPELLANT

(BY SRI S.RAJASHEKAR, ADVOCATE)

AND:

1. THE COMMISSIONER
DEPARTMENT OF HINDU RELIGIOUS
INSTITUTIONS AND CHARITABLE ENDOWMENTS
4TH FLOOR, SRI MINTO ANJANEYA
SWAMY BHAVAN, ALUR VENKATARAO ROAD
CHAMARAJAPET
BENGALURU - 560 018
2. THE DEPUTY COMMISSIONER
MANDYA DISTRICT
D.C. OFFICE, MANDYA - 571 401

Digitally
signed by
NIRMALA
DEVI

Location: High
Court of
Karnataka



3. THE ASSISTANT COMMISSIONER
PANDAVAPURA SUB-DIVISION
PANDAVAPURA
MANDYA DISTRICT - 571 434
4. THE TAHSILDAR
AND ENDOWMENT OFFICE
OFFICE OF THE TAHSILDAR,
K.R. PETE TALUK
MANDYA DISTRICT - 571 426
5. THE ADMINISTRATIVE OFFICER
SHREE SHAMBHULINGESHWARA SWAMY TEMPLE
SASALU VILLAGE, KIKKERI HOBLI
K.R. PETE TALUK - 571 423
6. SRI MAHADEVA
S/O ERAPPA
AGED ABOUT 46 YEARS
R/AT SASALU VILLAGE, KR PET TALUK
MANDYA DISTRICT - 571 423
7. SRI SRINATH S.N.
S/O SRI NANJUNDAPPA S N
R/AT SASALU VILLAGE
KR PET TALUK
AGED ABOUT 46 YEARS
MANDYA DISTRICT - 571 423
8. SRI VIJAYKUMAR
S/O LATE SHIVANANJAPPA
AGED ABOUT 63 YEARS
R/AT SASALU VILLAGE
KR PET TALUK
MANDYA DISTRICT - 571 423



9. SRI SHAMBHULINGAPPA
S/O NATARAJU S.P.
AGED ABOUT 40 YEARS
R/AT SASALU VILLAGE
KR PET TALUK
MANDYA DISTRICT - 571 423

...RESPONDENTS

(BY SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 TO 4)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER DATED 28.01.2026 PASSED BY THE LEARNED SINGLE JUDGE OF THIS HON'BLE COURT IN W.P. NO.26074/2023 (GM-R/C) AND CONSEQUENTLY ALLOW THE WRIT PETITION FILED BY THE APPELLANT.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C.M. POONACHA)

1. The present *intra Court* appeal is filed by the writ petitioner calling in question the order dated 28.01.2026 passed in Writ Petition No.26074/2023 (GM-R/C), wherein the learned Single Judge has disposed of the writ petition filed by the appellant by relegating the matter to the Commissioner (as



appointed under Section 3 of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997) [**Act**] to conduct and complete the enquiry against the appellant. The appellant filed the said petition (W.P.No.26074/2023) calling in question the notice dated 10.11.2023 vide No. DVS/CR/529/2022-2023 [**impugned notice**] issued by the fourth respondent - the Tahsildar and Endowment Officer, directing the appellant to appear before him within eight days from the date of the said notice and to submit an explanation.

2. The appellant was appointed as an Archak of Shree Shambulingeshwara Swamy Temple [**Temple**]. Respondent nos.6 to 9 [**private respondents**], who are stated to be residents of Sasalu village, Kikkeri Hobli, K.R.Pet Taluk, lodged a complaint dated 25.06.2021 against the appellant alleging that the appellant was putting up construction of a three storied building by spending ₹3 to 4 crores and also collecting cement, steel and other requirements from the devotees by stating that he was building a Guest House for the benefit of the devotees, though he was constructing for his personal use. Pursuant to the said complaint, respondent No.4 issued a show cause notice dated 02.07.2021 to



the appellant, keeping the appellant under suspension until further orders. The order of suspension was revoked by the Tahsildar, vide order dated 30.09.2021 by holding that the allegation of misuse against the appellant has not been proved. Being aggrieved, the private respondents preferred an appeal [Appeal No.DVS(1)464/2021] before the second respondent - Deputy Commissioner. The said appeal was partly allowed by order dated 11.04.2023 and it was ordered that the appellant shall continue under suspension until investigation into the allegation is completed. The Assistant Commissioner, Pandavapura Sub Division, was directed to make alternative suitable arrangements, so that there is no hindrance to the worship rituals and also to conduct an enquiry under Section 16(1) of the Act of 1997. Being aggrieved, the appellant has filed Revision Petition No.13/2023 [No. ADM.7/AP13/2023-24] before the first respondent - Commissioner. The Commissioner, by order dated 31.08.2023 remanded the matter to the Deputy Commissioner to proceed as per law. It was also ordered that the appellant's suspension be revoked and he shall not be given any responsibilities with the hundi or any financial collection.



3. In the meanwhile, another complaint dated 02.11.2022 was lodged before the Tahsildar alleging theft of hundi. Pursuant to the same, notice dated 04.11.2022 was issued to the appellant and the appellant was placed under suspension from his duties as Priest and Watchman.

4. In the meanwhile, the villagers of the Kalasalu village, K.R.Pet Taluk, submitted a petition dated 24.08.2023 to the Deputy Commissioner regarding, *inter alia*, the appellant conducting pooja rituals and duties unauthorisedly. The Deputy Commissioner by communication dated 11.10.2023 addressed to the Assistant Commissioner and Tahsildar requested for conducting of an investigation pursuant to the complaint dated 24.08.2023. The Tahsildar, vide communication dated 17.10.2023 noticed the earlier orders, wherein the appellant was permitted to perform pooja services and priestly duties without handling the hundi money and other financial responsibilities. It was further informed that in the event any violation is found, strict action would be taken.

5. The Assistant Commissioner by communication dated 04.11.2023 addressed to the Tahsildar noticed that during the



enquiry conducted, CC TV footage was reviewed in the presence of the parties and the same confirmed that the appellant was seen altering the direction of the CC TV camera and attempting to commit theft. Accordingly, vide communication dated 08.11.2023 the Tahsildar requested the Inspector of Police, Kikkeri Police Station, to register an FIR and an FIR was lodged against the appellant. The said FIR (Crime No.177/2023) is the subject matter of proceedings in Criminal Petition No.12379/2023 before this Court. A learned Single Judge of this Court on 05.12.2023 has granted stay as sought in the said petition.

6. It was the contention of the appellant before the learned Single Judge in the present petition that repeated complaints are being filed by the private respondents, who were inimical towards him. That pursuant to the orders passed in Criminal Petition No.12379/2023, the criminal proceedings have been stayed; enquiry already having been instituted; and the appellant having been permitted to carry on with his duties without collecting the hundis and other offerings, there was no occasion to issue the notice dated 10.11.2023 (impugned notice).



7. It is pertinent to note that serious allegation of financial irregularities have been made against the appellant and an enquiry in that regard is pending. In the impugned notice dated 10.11.2023, the allegation against the appellant is that the appellant had collected iron, steel and sand from the devotees and a three storied private house was being constructed. That approximately a sum of ₹3 crore has been spent towards the same. That during the course of enquiry it was found that the hundi was being brought daily and was taken away at night and "that the mouth portion of the hundi was widened and money was being misused". Vide the said notice dated 10.11.2023, the appellant had merely been directed to appear before the authorities within eight days from the date of the said notice.

8. The learned Single Judge, after noticing the factual aspects of the matter and also that the enquiry is pending pursuant to the complaints filed against the appellant, has refused to grant the relief as sought for by the appellant.

9. However, the learned Single Judge, after noticing Section 16 of the Act, as also upon noticing that under Section 25 of the Act, a



Committee of Management was to be constituted consisting the Pradhan Archak or the Archak as a member, noticed Rule 17 of the Karnataka Hindu Religious Institutions and Charitable Endowments Rules, 2002 [**Rules**], which provides for disciplinary action against the Archaks and Temple Servants. Hence, having regard to Section 25 of the Act and that the appellant, who was the Archak himself, would be a member of the Management Committee, disposed of the writ petition by directing that both the complaints against the appellant (including the proceedings pursuant to the impugned notice dated 10.11.2023) be relegated to the Commissioner (appointed under Section 3 of the Act) to conduct an enquiry. The Commissioner was directed to afford an opportunity of hearing and pass appropriate orders after holding a detailed enquiry within three months. The learned Single Judge had also reserved liberty to the appellant to seek interim reliefs before the Commissioner while keeping open all contentions.

10. We are unable to fault the decision of the learned Single Judge.



11. Admittedly, the appellant has merely been issued with a show cause notice. While the enquiry with regard to the other complaints are also pending, it would be expedient that the process of enquiry is completed within a specified time frame, which has been ordered by the learned Single Judge.

12. In view of the aforementioned, the appeal is dismissed as being devoid of merit.

13. All pending applications are also disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**