



CNR: KAHC010261672020

NC: 2026:KHC:39923
WP No. 11063 of 2020

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

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

WRIT PETITION NO. 11063 OF 2020 (GM-R/C)

BETWEEN:

UTTARADI MATH SRIMAD JAGADGURU
MADHWACHARYA MOOLA MAHA SAMSTHANA
HAVING ITS ADMINISTRATIVE OFFICE AT
5TH CROSS, SHANKARAPURAM
BASAVANAGUDI, BENGALURU-560 004
PRESENTLY CAMP AT
NO.620 POSTAL COLONY
VISHWESHWARANAGARA
MYSURU-570 008
REP. BY ITS GPA HOLDER
SRI S R SUDHAKARA
AGED ABOUT 59 YEARS
S/O LATE Y K RAMACHANDRA RAO.

...PETITIONER

(BY SRI. AMEET KUMAR DESHPANDE, SENIOR COUNSEL FOR
SRI. ANIL KEMBHAVI.,ADVOCATE)(VC)

AND:

1. THE STATE OF KARNATAKA
PUBLIC WORKS DEPARTMENT
NRUPATHUNGA ROAD, K R CIRCLE
BENGALURU-560 001
REP. BY ITS PRINCIPAL SECRETARY.
2. THE STATE OF KARNATAKA
HINDU RELIGIOUS AND
CHARITABLE DEPARTMENT

Digitally
signed by
SUMA B N
Location:
HIGH COURT
OF
KARNATAKA



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M S BUILDING
DR.B.R. AMBEDKAR VEEDHI.
BENGALURU-560 001.

3. THE DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT
MANGALURU.
4. THE EXECUTIVE OFFICER
KUKKE SRI SUBRAHANYA KSHETRA
SUBRAMANYA VILLAGE, SULLIA TALUK
DAKSHINA KANNADA DISTRICT.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA FOR R1 TO R3:
SRI. K N PHANEENDRA, SENIOR COUNSEL FOR
SMT. VAISHALI HEGDE., ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE ANY APPROPRIATE WRIT OF ORDER IN THE NATURE OF MANDAMUS FOR BEARING THE RESPONDENTS FROM PROCEEDING FURTHER WITH ANY KIND OF ACTIVITIES INCLUDING DEMOLITION OF ANY PORTION OF THE SCHEDULE PROPERTY WITHOUT THE DUE PROCESS OF LAW AS COULD BE SEEN FORM ANNEXURE-B TO B4.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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



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ORAL ORDER

1. Petitioner known and called as "Uttaradi Math" claiming its rights in respect of religious practices being followed at Temple of 'Mukkya Prana Anjaneya Temple' within the precincts of Kukke Sri Subramanya Temple, Subramanya is before this Court seeking following reliefs;

"a) Issue any appropriate Writ or order in the nature of mandamus forbearing the respondents from proceeding further with any kind of activities including demolition of any portion of the schedule property without the due process of law as could be seen from Annexure-B to B4;

b) Grant costs;"

2. Brief facts of the case are that;

(a) Kukke Shri Subramanya Kshetra is also called as "Kukke Shri Subramanya Temple" is under the control of respondent No.2-Hindu Religious and Charitable Department. That outside the walls of the said temple, there exist three Maths, namely, 'Srigeri Math' on the North-East, 'Uttaradi Math' on the North-West and 'Samputa Narasimha Math' on the South-East. Each of the Maths have a private deity inside the Math.



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3. The deity known as 'Mukhya Prana Anjaneya' is installed in Uttaradi Math. Existence of this, according to the petitioner-Math, is evidenced in various ancient documents maintained by the department. That apart from places of worship, petitioner-Math also consists of building providing accommodations for the pilgrims and devotees. That there is a main road which leads to the main temple and Math and its building/premises.
4. That respondent No.1 had recently undertaken development activities close to the temple including widening of the existing road. This without acquiring the property belonging to the petitioner-Math. In the process, respondent No.1 demolished various portion of the building belonging to the petitioner-Math in high handed manner. Petitioner -Math had approached respondent-authorities on several occasions, but for no avail. The action of the respondent-authorities are in violation of provisions of Articles 14, 19, 21 and 300A of the Constitution of India. Hence, the present petition seeking the relief as noted above.



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5. Objection statement to the petition is filed by the respondents-State denying the petition averments. It is contented that deity Mukhyaprana Anjaneya had been installed in the Uttaradi Math. The sanctum sanctorum of Sri Narasimha deity is in Sy.No.82/1 in an extent of 1 acre 33 cents of land in the same premises within which sanctum sanctorum of main deity Sri Subramanya of Kukke Sri Subramanya Temple and other gods is also located. That the entire area belongs to the respondent-State. Revenue records are maintained in this regard. Outer premises of the temple of Uttaradi Math and the main deity of the temple is an extent of 0.086 cents forming part of Sy.No.84/2 which is to the north side of Ratha Beedhi.
6. That a master plan has been devised for the purpose of construction of temple complex which is at the second stage of construction. The implementation of master plan requires clearing of the buildings and the widening of the road in the interest of public within the fixed period of time. The petitioner has no manner of right, title, interest



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over any part of the land or the temple premises, except to conduct poojas and worship the deity. Hence, sought for dismissal of the petition.

7. Statement of objections are also filed by respondent No. 4 contending *inter alia*;

(a) that the petition is liable to be dismissed for suppression of facts. The petitioner is not the owner of the subject land or the temple.

(b) Some persons with vested interest claiming to be the General Power of Attorney holders of the petitioner-Math have been repeatedly approaching the respondent-State by repeatedly filing representations causing impediment in the process of development of the temple property.

(c) Petitioner is very well aware that the portion being claimed as Uttaradi Math by the petitioner where the deity of Sri.Anjaneya is installed also belongs to the Kukke Sri Subramanya Swamy temple. All poojas are being conducted under the aegis of the said main temple.



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That the respondent-authorities have been regularly appointing persons to conduct poojas and to perform other daily practices.

(d) That apart from the main deity of Subramanya in Kukke Subramanya temple, deity of Sri Narasimha deity is situated in the land measuring 1.33 cents in Sy.No.82/1 which area belongs to the Government and is under possession of the temple, duly reflected in the revenue records and within the knowledge of the petitioner.

(e) Sri Sringeri Math is situated in the land measuring 1.33 cents in Sy.No.82/10 measuring 0.17 cents. The 'Mukhya Prana Devaru' is located in a land measuring 0.86 cents of Sy.No.84/2, which is also known as 'Uttaradi Math' situated in the northern portion of the road known as 'Ratha Beedhi'. All these lands and buildings belong to the State Government and are in the custody and possession of 'Kukke Sri Subramanya Swamy Temple'.



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(f) Document produced by petitioner at Annexure-A and entries at Column Nos.5, 6 and 7 would indeed reflect the ownership details of 'Kukke Sri Subramanya Temple. The said document further support the case of the respondent-Temple.

(g) That a letter dated 01.08.2002 was addressed by certain R.S. Kembavi, claiming to be the representative of 'Uttaradi Math', and sought information as to date on which possession of the building was taken over by the temple.

(h) Again on 06.02.2008, said R.S.Kemhavi, claiming to be the GPA holder of 'Uttaradi Math' had claimed that the property measuring 300.51 square meters belonging to 'Uttaradi Math' was in possession of Kukke Subramanya Temple, as such, had sought for handing over of the said land and building to the petitioner-Math.

(i) The Executive Officer of the Kukke Sri Subramanya Swamy Temple addressed the communication dated 06.03.2008 to the Commissioner stating that similar issue



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had been raised in the year 2001 and the same has been rejected by the temple. It was also clarified that the property in question was entered in the name of Anjaneya temple. However, daily poojas were being carried out through the temple. Based on the same, the Commissioner had addressed a letter dated 27.5.2008 to said R.S.Kembavi declining to consider his representation.

(j) Yet again, said R.S.Kembavi addressed a letter dated 31.05.2012 to the State Government, claiming the building was belonging to Uttaradi Math, but was in possession of Kukke Sri Subramanya Swamy Temple and hence requested the same be returned to Uttaradi Math. A report in this regard was sought from Kukke Sri Subramanya Swamy Temple and Deputy Commissioner, Dakshina Kannada District. Accordingly, a report dated 02.07.2014 was submitted to the Deputy Commissioner, Dakshina Kannada District, setting out all relevant facts, clearly stating that the land and building in question belonged to the Government in possession of Kukke-Subramanya Committee, which is now sought to be



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utilized for construction in accordance with master plan. The portion being claimed by the Math is sought to be utilized for construction of dining hall for the devotees of the temple.

(k) Deputy Commissioner accordingly submitted further detailed report on 08.11.2014 to the Commissioner, HR & CE, rejecting the claim of the 'Uttaradi Math'.

(l) In furtherance thereof, Commissioner, HR & CE submitted a report dated 14.09.2015 to the State Government, intimating that the property in question belonged to the Kukke Sri Subramanya Swamy Temple and there are no documents to justify the claim of Uttaradi Math.

(m) Thereafter, one S. Srinivas Murthy, Advocate had issued a notice dated 16.02.2016 on behalf of 'Uttaradi Math' to the Deputy Commissioner, Dakshina Kannada District, asking the authorities to hand over the building located in Sy.No.84/2 of Kukke Sri Subramanya Swamy Temple to Uttaradi Math. On perusal of the record, once



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again, the Deputy Commissioner issued a reply dated 02.06.2016 categorically denying the claim of Uttaradi Math and declining the request to hand over the property as claimed by said S. Srinivas Murthy.

(n) Thereafter said S. Srinivas Murthy had issued another notice dated 10.02.2017 to the Executive Officer, Kukke Sri Subramanya Swamy Temple again asking to hand over the land and building comprising Sy.No.84/2 of Subramanya Village, Uttaradi Math.

(o) A reply was issued by Kukke Sri Subramanya Swamy Temple on 11.10.2017 denying the claim made by said S Srinivas Murthy. Said S.Srinivas Murthy issued yet another notice dated 01.11.2017 to the advocate of Kukke Sri Subramanya Swamy Temple, stating that appropriate action would be initiated by Uttaradi Math for taking possession of the land if temple did not voluntarily hand over the possession to the Uttaradi Math.

(p) That as per the Dittam approved on 06.08.1980 for Kukke Sri Subramanya Swamy Temple, the poojas being



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conducted in the place known as 'Uttaradi Math', even prior thereto. That the Deputy Commissioner and Collector, South Canara had issued Register of Properties in respect of Kukke Sri Subramanya Swamy Temple on 20.10.1957, which was required to be maintained in terms of Section 25 of the then Madras Hindu Religious Endowment Act. The said Register included and mentioned Anjaneya Devastana being located in the "Teru Beediyalli".

(q) That the Asst. Executive Engineer, PWD, Kukke Sri Subramanya Swamy Temple also issued a communication on 06.07.2019 to the Executive Officer of Kukke Sri Subramanya Swamy Temple, enclosing a list of properties belonging to the temple and the Government, that were required to be demolished for the purpose of implementation of the Master Plan Project during second and third phase of construction.

(r) That the Deputy Commissioner has also issued reminder letter dated 30.08.2019 to the Temple intimating urgent action to be taken for demolishing the



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structure belonging to temple that has been identified for the purpose of implementation of master plan.

(s) A notification dated 19.05.2020 was published in the local newspaper calling for sealed quotations from PWD Contractors for the work of dismantling of different structures mentioned in the notification for the purpose of implementation of Master Plan, in which property subject matter of the present writ petition was also mentioned in Sl.No.7 of the notification. Work order dated 26.06.2020 has already been issued in favour of private contractor for carrying out dismantling and demolishing of old structures.

(t) That things stood thus, petitioner by suppressing the material facts approached this Court and has obtained an interim order of stay dated 14.10.2020, stalling the entire process.

Hence, sought for dismissal of the petition.



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8. Sri. Ameet Kumar Deshpande, learned Senior counsel appearing through video conference on behalf of the counsel appearing for the petitioner, submitted;

(a) that records, more particularly, Annexure-A to the writ petition indicate existence of Uttaradi Math within the precincts of Kukke Sri Subramanya Swamy Temple.

(b) He also referred to certain photographs depicting the board of petitioner-Math being displayed on some structures. He also refers to paragraph 6 of the averments of statement of objection filed by respondent No.4. Thus, referring to these materials, he submits that the existence of petitioner-Uttaradi Math within the precincts of the temple stands proved and established.

(c) However, he clarified that petitioner-Uttaradi Math is not claiming any right either over the land or the buildings, but only limited to the extent over the religious practices which have been carried on according to philosophy of the petitioner-Math for over 500 years.



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(d) He also referred to an endorsement dated 02.06.2025 issued by the Commissioner, Religious Endowment Department produced by the respondent-State vide memo dated 10.06.2025 to submit that the Commissioner has acknowledge the frequent visit of the Matadeepathis to the petitioner- Math and the manner of welcome and felicitation being offered to them. Thus, he submits that a religious practice of Uttaradi Math at Anjaneya temple situated within the precincts of Kukke Sri Subramanya Swamy Temple, is required to be preserved.

(e) The building which is partially demolished, is required to be maintained, inasmuch as the deity of Anjaneya is situated within the portion of the said building which is still in existence.

(f) That in the event of any relocation, reinstallation of the deity Anjaneya, will have to be in accordance with the established practices belonging to school of thought of the petitioner-Math, which now sought to be disturbed



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and discontinued by respondent No.4 under the guise of demolition and expansion of the temple building.

(g) Referring to the memo dated 30.07.2026 along with a copy of the representation stated to have been submitted by the petitioner-Math to the Endowment Commissioner, he submits if the Endowment Commissioner is directed to consider the said representation of the petitioner-Math and till consideration of said representation, *status quo* as existing today is directed to be maintained, purpose of the petition will be served.

9. Learned AGA on the other hand submits that petitioner-Math cannot as a matter of right insist that particular method of pujas and practice be conducted at Anjaneya temple, as it is the prerogative of the respondent-State to ensure that the accepted traditional practices are maintained. Reiterating the contents of memo dated 10.06.2025 referred to by the learned counsel for petitioner, he submits that the respondent-State would



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ensure that as and when the religious heads of petitioner-Uttaradi Math visits the temple, the respect, felicitation and the divinity as per the practice would be offered including providing accommodation and incidental facilities for their stay.

10. Sri.K.N.Pthaneendra, learned Senior counsel appearing for respondent No.4 on the other hand, taking this Court through the records, more particularly the letters/communications and notices ensued between one Sri.Kembhavi and Sri.Srinivas Murthy, advocate on behalf of the petitioner and the respondent- authority submits that even according to the said communications/Notices, petitioner-Math is neither in possession nor in custody of the temple and its properties. That if the petitioner-Math claims any right over the property, it is for the petitioner to have the same established in the manner known to law and writ petition of this nature is not maintainable.
11. Referring to document at Annexure-R4, he submits a Dittam register which was issued as far back as on 20.10.1957, has remained unchallenged till date. That



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enclosure to the said document indicate that the Anjaneya Temple situated at Theru Beedi is part of the main temple Sri.Kukke Subramanya Swami Temple. That the practices within the temple precincts would be as that of the main temple and the petitioner cannot seek to change the practices to be one different from what is being practiced in the main temple.

12. As regards representation made by the petitioner-Math to the Commissioner, he submits it is for the respondent-State to consider the same. However, the same shall not cause any impediment in the process of construction of a complex in terms of the master plan which is now stalled for over 6 years in view of pending of this petition.

Hence, seeks for dismissal of the writ petition.

13. Heard and perused the records.
14. The relief as sought for in the petition is in the nature of an order restraining the respondent-authorities from demolishing the property bearing No.II-498 (old No.II-376B) with Uttaradi Math Temple building etc.,



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constructed within an area of 300.51 square meters situated at Main Temple Street (Ratha beedhi) Subramanya Village, Suliya Taluk, Dakshina Kannada District.

15. In other words, relief is in the nature of injunction against the respondent-authorities from changing the nature of the property.
16. Admittedly petitioner is not claiming any right, title, interest or even the possession over the said property. Though a reliance is made to document produced at Annexure-A to the petition to indicate reference to the existence of 'Devastanada Uttaradi Math', that alone is insufficient for the petitioner to seek a restraint order against the respondent-authorities.
17. As rightly pointed out by learned Senior counsel appearing for respondent No.4, the existence of the main temple, namely Sri.Kukke Subramanya Swami Temple its practices, which also include existence of Uttaradi Math and Anjaneya Temple finds reference in the register which



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has been issued by the then Deputy Commissioner and Commissioner, HR & CE of Mangalore as far back as on 20.10.1957.

18. The Dittam which is produced along with the memo dated 21.08.2024 is of the year 1980, which refers to Sri. Kukke Subramanya Swami Temple to be the main temple within which Anjaneya temple is situated. Thus, even at undisputed point in time, Sri. Kukke Subramanya Swami Temple is shown as the main temple and the Anjaneya Temple is stated to be ancillary, falling within its precincts.
19. Communication ensued for and on behalf of the petitioner-Math for the first time is traceable to a letter dated 01.08.2002, which has been issued by certain Sri.R.S.Kembhavi, who claimed himself to have retired from the audit office of the AG Karnataka and taken charge of the administration of petitioner-Math. Said communication produced at Anneuxre-R4B indicate that he has sought information as to the date and time when



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the buildings were taken over by the temple authorities. He followed up with similar communication to the Commissioner and to the respondent-State claiming right, title, interest over the land over which petitioner -Math existing and sought for delivery of possession of the same. These communications have been replied both by the temple committee as well as the respondent authorities.

20. Things would not stop at that. One Sri.Srinivas Murthy, advocate continues the claim over the property, buildings of the temple, demands for delivery and possession of it by issuance of as many as three notices with a threat that if his demand for handing over the premises was not met, "he knew what to do". Even the said notices have been replied by the authorities based on the reports given by the Tahsildar, Assistant Commissioner, Deputy Commissioner and the Commissioner for Religious Institutions and Endowment Department of the State.



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21. In other words, though the petitioner-Math now, has pleaded that it has no claim over the land or the building or the temple, there were indeed attempts made for and on behalf of the petitioner-Math claiming right, title and interest over the land and building, which have been denied rejected and declined. If that be so, it was for the petitioner to have redressed its grievance in the manner known to law before a competent Court of civil jurisdiction. That has not been done.
22. When the respondent authorities issued notification in furtherance to implementation of the project according to the master plan, portion of the buildings having been demolished including the portion of Uttaradi math building, the petitioner-Math filed this petition merely asking direction not to demolish the building without *prima facie* establishing its right and entitlement for such relief.
23. Sheer pendency of the matter, as rightly insisted and emphasized by learned Senior Counsel for respondent



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No.4 and learned AGA has brought the process of implementation of the scheme to a grinding halt. Photographs produced as per memo dated 14.07.2026 indicate building in a dilapidated condition apparently used or misused by general public.

24. Since the petitioner who now admittedly is not claiming any right, title and interest over the land and buildings, cannot as a matter of right seek for a restraint order against the respondent authorities from proceeding further with the project as per the master plan.
25. Having said that, respondent-State itself in its memorandum/endorsement dated 02.06.2025 produced along with a memo dated 10.06.2025 has stated that as and when the heads of the Uttaradi Math visits the temple, routine practices of felicitation with divinity following the tradition would be adhered to.
26. Another aspect of the matter which was insisted by learned Senior counsel for petitioner was that as and when the deity of 'Mukhyaprana Anjaneya' is temporarily



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relocated and as and when the same would be installed at its original place, the puja practices belonging to school of thought of the petitioner-Math be followed. This submission, in the considered view of this Court is best left to be considered by the respondent-State. Petitioner-Math is at liberty to make a representation in this regard which if made, shall be considered by the Respondent-State in accordance with law.

With the above observation, petition is ***dismissed***.

Sd/-
(M.G.S. KAMAL)
JUDGE