



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.13879 OF 2026 (GM-R/C)

BETWEEN:

SRI.NARASARAJA BHATTAR
AGED ABOUT 77 YEARS
S/O LATE SAMPATHKUMARA BHATTAR
RESIDING AT
VANAMAMALAI MATH STREET
MELKOTE, PANDAVAPURA TALUK
MANDYA DISTRICT - 571 431
(SENIOR CITIZEN BENEFIT NOT CLAIMED)

...PETITIONER

(BY SRI. A.ABHINAV RAMANAND.,ADVOCATE)

AND:

Digitally signed by
NAGARAJA B M
Location: HIGH
COURT OF
KARNATAKA

1. THE STATE OF KARNATAKA
DEPARTMENT OF MUZARAI
M.S.BUILDING
DR.AMBEDKAR VEEDHI
BENGALURU - 560 001
REPRESENTED BY ITS SECRETARY
2. THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS
& CHARITABLE ENDOWMENT
DR.ALUR VENKAT RAO ROAD
CHAMARAJPET
BENGALURU - 560 018.



3. THE DEPUTY COMMISSIONER
MANDYA DISTRICT
MANDYA 571 401
4. THE ASSISTANT COMMISSIONER
PANDAVAPURA SUB-DIVISION
PANDAVAPURA
MANDYA DISTRICT - 571 434
5. THE EXECUTIVE OFFICER
SRI CHELUVANARAYANA SWAMY TEMPLE
MELUKOTE, PANDAVAPURA TALUK
MANDYA DISTRICT - 571 431.

...RESPONDENTS

(BY SMT.AMARAVATHY H.R., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENTS AND PARTICULARLY RESPONDENT NO.2 TO REINSTATE THE PETITIONER AS BARABARDAR PRADHAN HEREDITARY ARCHAK OF SRI.CHELUVANARAYANASWAMY TEMPLE AT MELUKOTE, PANDAVAPURA TALUK, MANDYA DISTRICT IN PURSUANCE OF THE LAW LAID DOWN BY THE APEX COURT IN AJAYKUMAR CHOWDHURY VS. UNION OF INDIA REPORTED IN 2015 7 SCC 291, A COPY OF WHICH IS PRODUCED HEREWITH AS ANNEXURE-J AND IN PURSUANCE OF THE ORDER PASSED BY THIS HONBLE COURT DATED 21.12.2020 IN W.P. NO.32570/2016 AT ANNEXURE-F AND THE ORDER DATED 08.03.2021 IN W.A.NO.30/2021 AT ANNEXURE-G AND AS WELL AS ENQUIRY REPORT BEARING NO.D.VS 22/2009-10 DATED 13.03.2025 AT ANNEXURE-H PASSED BY THE 4TH RESPONDENT AS EXPEDITIOUSLY AS POSSIBLE BUT



NOT LATER THAN TWO WEEKS FROM THE DATE OF RECEIPT OF
A COPY OF THE ORDER AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is instituted by the petitioner, who claims to be a hereditary Archak of Sri.Chaluvanarayana Swamy Temple, Melukote, calling in question the continued suspension imposed upon him vide order dated 10.06.2013. The suspension order came to be passed pursuant to allegations levelled by a devotee, who asserted that certain ornaments allegedly donated to the temple were misappropriated by the petitioner and, in their place, ornaments of lesser value and size were substituted. Acting on the said complaint, the competent authorities initiated proceedings against the petitioner, which resulted in his prolonged suspension pending enquiry.



2. The petitioner has approached this Court seeking issuance of a writ in the nature of mandamus on two principal grounds. Firstly, it is contended that the criminal proceedings initiated on the very same set of allegations have culminated in submission of a 'B' report by the Investigating Officer on 28.02.2014, which has been accepted by the jurisdictional Magistrate vide order dated 31.12.2015, thereby concluding that no prosecutable material exists against the petitioner. Secondly, it is contended that, pursuant to the directions issued by the Division Bench of this Court in Writ Appeal No.30/2021, a detailed departmental enquiry was conducted, wherein the petitioner has been exonerated of all the charges levelled against him. The said exoneration is evidenced by the enquiry report produced at Annexure-H.

3. Learned counsel appearing for the petitioner, placing strong reliance on the aforesaid two developments, namely, (i) the acceptance of the 'B' report by the competent criminal court, and (ii) the categorical findings



recorded in the departmental enquiry exonerating the petitioner of all allegations, would vehemently contend that the very substratum of the suspension order no longer survives. It is therefore urged that the continued suspension of the petitioner is wholly arbitrary, unjust and violative of Articles 14 and 21 of the Constitution of India. Consequently, a direction is sought to revoke the suspension order and to permit the petitioner to resume and discharge his hereditary rights and duties as Archak of Sri Chaluvanarayana Swamy Temple, Melukote.

4. This Court has heard the learned counsel appearing for the petitioner and the learned Additional Government Advocate appearing for the respondents. Perused the material on record.

5. Having regard to the rival submissions, this Court deems it appropriate to extract the relevant findings recorded by the Division Bench of this Court in Writ Appeal



No.30/2021. Paragraph Nos.4 to 8 thereof, being germane for consideration of the present case, read as under:

"4. This court has carefully gone through the documents on record. The facts reveal that the issue relates to misappropriation and manipulation of temple's jewelry.

5. Learned Addl. Government Advocate has stated before this Court that the statutory provision as contained under the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 ('Act of 1997' for short) provides for misconduct and penalty and the Rules framed thereunder provides for disciplinary action against the priest. He has stated that the enquiry as per the Act and Rules has not been completed so far and he has stated that the State shall be completing the enquiry inconsonance with the statutory provisions positively within six months.

6. In the present case, keeping in view the totality of circumstances of the case, as a categorical direction has been given by the learned Single Judge to complete the enquiry and to pass a final order, this Court is of the opinion that the question of revocation of suspension in the peculiar facts and circumstances of the case does not arise.



The order in respect of suspension shall be passed on completion of the enquiry by the competent authority as provided under the Act of 1997 read with Rules framed thereunder. The order passed by the learned Single Judge to the extent it relates to revocation of suspension is set-aside.

7. With the aforesaid observations, the writ appeal stands disposed of.

8. It is needless to mention that all contentions raised by the parties are left open to be urged. The order of this court shall confine only for the purpose of completion of enquiry within a period of six months from today."

6. Pursuant to the directions issued by the Hon'ble Division Bench, respondent No.4 has conducted an enquiry and has given a clean cheat to the petitioner. This Court deems it apposite to extract para Nos.2 to 6 of the operative portion, which reads as under;

"02. ಶ್ರೀ. ಎಸ್ ನರಸರಾಜ ಭಟ್ಟರುರವರ ಆರೋಪಗಳ ಕುರಿತು ಶ್ರೀ ಎಸ್ ಸಿ ಇಂಗಳರಿ, ಮಾನ್ಯ ನಿವೃತ್ತ ಜಿಲ್ಲಾ ನ್ಯಾಯಾಧೀಶರು. ಇವರು ನಡೆಸಿರುವ ವಿವರವಾದ ತನಿಖಾ ವರದಿ ಹಾಗೂ 50 ಪುಟಗಳ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ವಜ್ರಾಂಗಿ ಅಭರಣದಲ್ಲು ಜಿನ್ನ ಕಡಿಮೆ ಆಗಿರುವುದಿಲ್ಲ. ೦೭ ಹವಳದ ಸರಗಳು ಕಾಣಿಯಾಗಿರುವುದಿಲ್ಲಾ ಅದ್ದರಿಂದ



ಶ್ರೀ ನರಸರಾಜ ಭಟ್ಟರ ವಿರುದ್ಧದ ಆರೋಪಗಳು ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ. ಅದರ ಸದರಿ ವರದಿಯಲ್ಲಿ ಶ್ರೀ ಎಸ್ ನರಸರಾಜ ಭಟ್ಟರು ಸದರಿ ಆಭರಣಗಳನ್ನು ದೇವಲಾಯದ ವಶಕ್ಕೆ ಪಡೆಯುವ ಮುಂಚೆಯೇ ಅನಧಿಕೃತ ಧಾರಣೆ ಮಾಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಅರ್ಚಕರ ಹೇಳಿಕೆ ಪಡೆಯಲಾಗಿ ಅಂದಿನ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳ ಮೌಖಿಕ ಆದೇಶದ ಮೇಲೆ ಧಾರಣೆ ಮಾಡಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ. ಆಗಿನ ಕಾರ್ಯನಿರ್ವಾಹಕಾಧಿಕಾರಿಗಳು ನಿವೃತ್ತರಾಗಿದ್ದು ಅವರ ವಿಳಾಸ ಪತ್ತೆಯಾಗಿರುವುದಿಲ್ಲ. ಅದರಿಂದ ಶ್ರೀ ಎಸ್ ನರಸರಾಜ ಭಟ್ಟರು ಗಂಭೀರ ಸ್ವರೂಪದ ಕರ್ತವ್ಯ ಲೋಪ ಎಸಗಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ.

03. ಸದರಿ ಅಪಾದನೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಎಫ್.ಐ.ಆರ್. ದಾಖಲಾಗಿ ದಿನಾಂಕ:28-02-2014 ರಂದು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಪೋಲಿಸರು ಐ ರಿಪೋರ್ಟ್ ಸಲ್ಲಿಸಿದ್ದು ಆರೋಪಗಳು ಸಾಬೀತಾಗಿರುವುದಿಲ್ಲ.

04. ಅದರಿಂದ ಶ್ರೀ ನರಸರಾಜ ಭಟ್ಟರು ನಿರ್ದೋಷಿ ಎಂದು ಪರಿಗಣಿಸಿ ಆಭರಣಗಳ ಸರಿಹೊಂದುವಿಕೆಯ ಕುರಿತು ದೇವರ ವಿಗ್ರಹದ ಅಳತೆ ಪಡೆಯುವ ಸಂಬಂಧ ನಿಯಮಗಳನ್ನು ಪಾಲಿಸದೇ ಆಭರಣ ದಾರಣೆ ಮಾಡಿರುವುದರಿಂದ ಲಘು ದಂಡನೆ ವಿಧಿಸಿ ಪ್ರರಕಣವನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಬಹುದಾಗಿರುತ್ತದೆ.

05. ಸದರಿ ಆಭರಣಗಳನ್ನು ಸುರಕ್ಷಿತವಾಗಿ ಖಜಾನೆಯಲ್ಲಿ ಸಂರಕ್ಷಿಸಲಾಗಿದೆ.

06. ಸದರಿ ಅರ್ಚಕರು ತಹಲ್‌ವರೆವಿಗೂ ಕರ್ತವ್ಯಕ್ಕೆ ವರದಿ ಮಾಡಿಕೊಂಡಿರುವುದಿಲ್ಲ."



7. Upon a meticulous and anxious consideration of the directions issued by the Division Bench in Writ Appeal No.30/2021, which have been extracted supra, and on careful perusal of the operative portion of the enquiry report submitted by respondent No.4 – Deputy Commissioner, as produced at Annexure-H, this Court is of the considered view that the petitioner has now acquired a legally enforceable right to seek appropriate relief at the hands of this Court. The Division Bench, while issuing specific directions, has clearly mandated that appropriate action be taken depending upon the outcome of the enquiry. In the present case, the enquiry culminates in exoneration of the petitioner of all the charges. Therefore, the very foundation on which the order of suspension was premised stands eroded.

8. It is equally incumbent upon respondent No.2 – Commissioner, being the competent authority, to take due cognizance of both, namely, (i) the binding directions issued by the Division Bench, and (ii) the findings recorded



in the enquiry report submitted by respondent No.4 – Deputy Commissioner, as evidenced at Annexure-H. The said authority cannot remain inert or fail to act in the face of such conclusive material. More particularly, when the enquiry report unequivocally favours the petitioner, respondent No.2 is duty-bound to consider the petitioner's request for revocation of suspension and to pass appropriate orders in strict compliance with the directions issued by the Division Bench.

9. In the light of the aforesaid material particulars and the legal position emerging therefrom, this Court is of the considered opinion that the present case eminently warrants exercise of writ jurisdiction under Article 226 of the Constitution of India. The petitioner has made out a clear case for issuance of a writ in the nature of mandamus, as there exists a corresponding public duty on the part of the respondents, which has not been discharged.



10. Accordingly, this Court proceeds to pass the following:

ORDER

(i) The writ petition is hereby allowed.

(ii) Respondent No.2 – Commissioner is directed to take cognizance of the directions issued by the Division Bench in Writ Appeal No.30/2021 and also the enquiry report submitted by respondent No.4 – Deputy Commissioner, as evidenced at Annexure-H, and to pass appropriate orders with regard to revocation of the suspension order imposed on the petitioner, strictly in consonance with and adhering to the directions issued by the Division Bench.

(iii) The aforesaid exercise shall be completed by respondent No.2 within an outer limit of six (06) weeks from the date of receipt of a certified copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE