



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT APPEAL NO.1687 OF 2024 (GM-R/C)

BETWEEN:

SRI.C.L.PARASHIVAMURTHY
S/O LATE SRI. LINGANNA
AGED ABOUT 55 YEARS
R/AT NO. 136, KURUBARA STREET
CHAMUNDI HILLS
MYSURU 570 018

...APPELLANT

(BY SRI. VINAYAKA B VISHNU BATT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY DEPARTMENT
OF HINDU RELIGIOUS INSTITUTIONS AND
CHARITABLE ENDOWMENT
DEPARTMENT, 3RD FLOOR
MINTO, ANJANEYA BHAVAN
A V ROAD, CHAMARAJPET
BENGALURU 560 018

Digitally
signed by
NIRMALA
DEVI

Location:
HIGH
COURT OF
KARNATAKA



2. THE COMMISSIONER
DEPARTMENT OF HINDU
RELIGIOUS INSTITUTIONS
AND CHARITABLE ENDOWMENT
DEPARTMENT 3RD FLOOR
MINTO ANJANEYA BHAVAN A V ROAD,
CHAMARAJPET
BENGALURU 560 018
3. THE DEPUTY COMMISSIONER
MYSURU DISTRICT
MYSURU 570 001
4. THE EXECUTIVE OFFICER
SRI CHAMUNDESHWARI TEMPLE
CHAMUNDI HILLS
MYSURU 570 018
5. SRI. PURUSHOTHAMA
S/O SRI. CHANDRASHEKAR
AGED ABOUT 40 YEARS
RESIDENT OF NO. 1111
RAGHAVENDRA NAGAR
MYSURU 570 011
6. SRI. MANJUNATH
S/O SRIKANTAIAH
AGED ABOUT 34 YEARS
R/AT NO. 135, KURUBARA STREET
CHAMUNDI HILLS
MYSURU 570 018

...RESPONDENTS

(BY SRI. K.S. HARISH, GOVERNMENT ADVOCATE
FOR R1 TO R4
SRI. SACHIN, ADVOCATE FOR C/R5 & R6)

THIS WRIT APPEAL IS FILED U/S 4 OF THE KARNATAKA
HIGH COURT ACT PRAYING TO ALLOW THE ABOVE WRIT
APPEAL AND SET ASIDE THE FINAL ORDER DATED



03.09.2024 PASSED BY THE LEARNED SINGLE JUDGE IN WP No. 13460/2021 AND CONSEQUENTLY ALLOW THE SAID WRIT PETITION IN ITS ENTIRETY, IN THE INTEREST OF JUSTICE AND EQUITY.

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 being aggrieved by the order dated 03.09.2024 passed in Writ Petition No.13460/2021 (GM-R/C) [**impugned order**] whereunder, the learned Single Judge dismissed the writ petition. The said writ petition was filed by the appellant challenging the order of respondent No.2 - Commissioner, Department of Hindu Religious Institutions and Charitable Endowment (Case No.ADM / 7 / AP / 23 / 2017-18, dated 22.04.2021).

2. The relevant facts in a nutshell leading to the present appeal are that one Sri Linganna was performing the duties of Archak at Dodda Basavanna and Mahabaleshwara Swamy Temples, which



are attached to the Chamundeshwari Temple, Mysuru. The said post of Archak is a hereditary post. The appellant is the son of Sri Linganna and respondent Nos.5 and 6 are the grandsons of Sri Linganna being the sons of Sri. Chandrashekar and Sri Srikantaiah, respectively. The said Sri Chandrashekar and Sri Srikantaiah are the brothers of the appellant.

3. It is the case of the appellant that during his lifetime, his father Sri Linganna had requested the Deputy Commissioner, Mysuru, through the Mularai Temples' Governing Council, Mysuru, to appoint the appellant to the post of Archak and accordingly, Official Memorandum dated 24.03.1985 was issued appointing the appellant as the Archak for the temples in question. That after a lapse of 29 years, respondent Nos.5 and 6 raised a dispute and staked a claim for the post of Archak contending that they are also entitled to be appointed to the said post on rotation basis.

4. The Deputy Commissioner in exercise of his powers under Section 25B(6)(iii) of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 [**Act**], by order dated 09.12.2014 held that respondent Nos.5 and 6 were also entitled to carry out the services of Archak along with the appellant on rotation basis for a



period of 4 months subject to them qualifying in the Aagama Examinations. Being aggrieved, the appellant preferred an appeal (No.ADM / 7 / AP-3 / 15-16) before the Commissioner. Vide order dated 03.02.2017, the said appeal was allowed, the order dated 09.12.2014 passed by the Deputy Commissioner was set aside and the matter was remanded to the Deputy Commissioner for fresh consideration. Consequent to remand, the Deputy Commissioner by order dated 23.01.2018 rejected the application filed by the private respondents on the ground that the said private respondents have not made out any case of their fathers performing poojas at the aforesaid temples as they were employed elsewhere.

5. Being aggrieved, the private respondents preferred an appeal (No.ADM / 7 / AB / 23 / 2017-18) before the Commissioner. Vide order dated 22.04.2021 the Commissioner allowed the appeal, set aside the order dated 23.01.2018 passed by the Deputy Commissioner and confirmed the order dated 09.12.2014 passed by the Deputy Commissioner in the earlier round of litigation. The order dated 22.04.2021 passed by the Commissioner was impugned in the writ petition.



6. The primary contention urged before the learned Single Judge was that the order passed by the authorities is without jurisdiction. The learned Single Judge noticing Sub-section (6) of Section 25B of the Act held that the Deputy Commissioner is empowered to decide the dispute amongst the family members regarding the hereditary rights to perform the services of an Archak. Further, the learned Single Judge noticing that the concerned authorities having factually adjudicated the claim made by the private respondents, refused to interfere with the same in the writ petition.

7. The principal contention put forth by the learned counsel for the appellant in the present appeal is that Section 25B of the Act does not empower the Deputy Commissioner to adjudicate upon the question as to devolution of the hereditary right of a particular member of the family and the said aspect is to be adjudicated by a Civil Court. Reliance is placed on the judgment of the Supreme Court in the case of ***V.S.Thiagaraja Mudaliar v. Bava C.Chokkappa Mudaliar & Anr.***,¹ in support of the said contention.

¹ (1974) 2 SCC 58



8. A perusal of the material on record would indicate that the contention with regard to jurisdiction as is sought to be urged in the present appeal was not urged before the authorities, nor was the same pleaded in the writ petition. In the memorandum of appeal also, the order of the learned Single Judge with regard to the finding regarding jurisdiction is not impugned.

9. Be that as it may, it is relevant to notice the applicable provisions of the Act. Section 9 and Section 25B(6)(iii) of the Act read as under:

"9. Appointment of Archakas [and temple servants].-

(1) The committee of management of a notified institution may with the approval of the Commissioner appoint one or more Archakas and temple servants to each temple belonging to the institution.

Provided that in case of hereditary post, if there is no dispute among the members of the family, the next in line of succession shall be appointed; with the prior approval of the commissioner:

Provided further that in case where no legal heir of the hereditary post are available the Committee of Management may appoint any person as provided under sub-section (1).

(2) Where more than one Archaka is appointed the senior among them shall perform as the Pradhana Archaka. The Pradhana Archaka wherever appointed, and the archakas, shall perform such duties as the Committee of Management may specify.

(3) Without prejudice to the power of the State Government to prescribe a common pattern for each



category of temples, the number of archakas [and temple servants] appointed to the temple shall be in keeping with the practice obtaining in the temple immediately before the commencement of this Act".

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

xxxxx

(6) Whenever any question arises as to.-

xxx

(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; or

xxx

The Deputy Commissioner after hearing the parties concerned shall by order decide it"

10. Sub-section (1) of Section 9 stipulates that if there is no dispute amongst the members of the family, the Committee of Management of a notified institution may, with the approval of the Commissioner, appoint one or more Archaks to each temple belonging to the Institution.

11. Section 25B of the Act stipulates the power of the Deputy Commissioner to settle the scheme for administration of charitable endowments and to decide certain other disputes. Sub-section (6) of Section 25B of the Act enumerates the questions that the



Deputy Commissioner, after hearing the parties, shall decide. Section 25B(6)(iii) of the Act specifies that the dispute as to "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" is also to be decided by the Deputy Commissioner. Hence, it is clear that by virtue of Section 25B(6)(iii) of the Act, in the event of a dispute regarding appointment of Archak on the basis of a hereditary right claimed, the same is to be decided by the Deputy Commissioner, after hearing the parties.

12. The reliance placed on the judgment of the Supreme Court in the case ***V.S.Thiagaraja Mudaliar*** (*supra*) will not aid the case of the appellant, inasmuch as, in the said case, the provisions of the Madras Hindu Religious Endowments Act, 1926 [**Madras Act**] was being considered. Section 84 of the Madras Act, which is extracted at para 14 of the said judgment, clearly indicates that the same is not similarly worded to the provisions of the Act.

13. The learned Single Judge has rightly held that the Deputy Commissioner is empowered to decide the dispute between the appellant and the private respondents by virtue of the powers contained under Section 25B(6)(iii) of the Act.



14. Accordingly, the above appeal is dismissed as being devoid of merit.

15. All pending applications are also disposed of.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C.M. POONACHA)
JUDGE

ND
List No.: 1 SI No.: 5