IN THE HIGH COURT OF KARNATAKA AT BENGALURU

R

DATED THIS THE 20TH DAY OF DECEMBER, 2023

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.23888 OF 2023 (GM – R/C)

C/W

WRIT PETITION No.23430 OF 2023 (GM – R/C)

IN WRIT PETITION No.23888 OF 2023:

BETWEEN:

1 . SRI. KERADI CHANDRASHEKHARA SHETTY
S/O VEERANNA SHETTY
AGED ABOUT 57 YEARS
R/AT 1-60, KADABU GADDE
KUNDAPURA, KERADI POST
UDUPI – 576 233.

2 . SRI. ATHUL KUMAR SHETTY
S/O LATE A.BHUJANGA SHETTY
AGED ABOUT 61 YEARS
R/AT 2-40, ADARBETTU HOUSE
CHITTOOR, KUNDAPURA – 576 233.

3 . SMT. RATHNA
W/O RAMESH V.KUNDAR
AGED ABOUT 49 YEARS
R/AT 2/121, KALYANI GUDDE
KOLLUR, UDUPI – 576 220.

4 . SRI. JAYANANDA H.,
S/O NARASIMHA H.,
AGED ABOUT 56 YEARS
R/AT 9-242, GANESH NILAYA
SOMESHWARA ROAD
YEDTHARE, BAINDOOR – 576 214.

5 . SRI. K.RAMACHANDRA ADIGA
S/O K.RADHAKRISHNA ADIGA
AGED ABOUT 36 YEARS
R/AT BALEGADDE, KOLLURU
UDUPI – 576 220.

6 . SRI. GOPALAKRISHNA
S/O KRISHNA
AGED ABOUT 44 YEARS
R/AT 1-26A RAMANAGARA
SENAPURA, KUNDAPURA
UDUPI – 576 235.

... PETITIONERS

(BY SRI.M. ARUNA SHYAM, SENIOR ADVOCATE A/W.,
SRI. SUYOG HERELE E., ADVOCATE)

AND:

1 . THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT
R.B.ROAD, CHAMARAJPET
BENGALURU – 560 018.

2 . THE EXECUTIVE OFFICER
SRI. MUKAMBIKA TEMPLE, KOLLURU
KOLLURU, BYNDUR TALUK
UDUPI DISTRICT – 576 220.

3 . THE RAJYA DHARMIKA PARISHATH

REP. BY ITS MEMBER SECRETARY
R.B.ROAD, CHAMARAJPETE
BENGALURU – 560 018.

4 . THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
MUZRAI DEPARTMENT
VIDHANA SOUDHA
BENGALURU - 560 001.

... RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR MODIFY OR READ DOWN THE IMPUGNED ORDER DTD 27.10.2020 BEARING NO.ADM-8/CR/30/2020-21 (PRODUCED AT ANNEXURE-A) TO THE EXTENT OF PRESCRIBING THE BEGINNING OF THE TERM OF THE MANAGEMENT COMMITTEE OF SRI MUKAMBIKA TEMPLE, KOLLURU I.E., FROM THE DATE OF PASSING OF THE ORDER AS FROM THE DATE OF ASSUMING CHARGE.

IN WRIT PETITION No.23430 OF 2023:

BETWEEN:

SMT. SANDHYA RAMESH
W/O RAMESH BANGER
AGED ABOUT 43 YEARS
R/AT HOUSE NO.10-3D 8
PLOT NO.307, 3RD FLOOR
PRAGATHISAGARA MAIN ROAD
MALPE, KODAVOORU
UDUPI DISTRICT – 576 103.

... PETITIONER

(BY SRI. M.ARUNA SHYAM, SENIOR ADVOCATE A/W.,
SRI. SUYOG HERELE E., ADVOCATE)

AND:

1 . THE COMMISSIONER
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT DEPARTMENT
R.B.ROAD, CHAMARAJPET
BENGALURU – 560 018.

2 . THE EXECUTIVE OFFICER
SRI MUKAMBIKA TEMPLE
KOLLURU, BYNDUR TALUK
UDUPI DISTRICT – 576 220.

3 . RAJYA DHARMIKA PARISHATH
REP. BY ITS MEMBER SECRETARY
R.B.ROAD, CHAMARAJPET
BENGALURU – 560 018.

4 . THE STATE OF KARNATAKA
REP. BY ITS SECRETARY
MUZRAI DEPARTMENT
VIDHANA SOUDHA
BENGALURU – 560 001.

... RESPONDENTS

(BY SMT. NAVYA SHEKHAR, AGA FOR R1, R3 AND R4;
R2 IS SERVED
SRI. PRABHULING K.NAVADAGI, SENIOR ADVOCATE FOR
SMT. SHIVANI SHETTY, ADVOCATE FOR IMPLEADING
APPLICANT)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH OR MODIFY OR READ DOWN THE IMPUGNED ORDER DTD 27.10.2020 BEARING NO.ADM-8/CR/30/2020-21 (PRODUCED AT ANNEXURE-A) TO THE EXTENT OF PRESCRIBING THE BEGINNING OF THE TERM OF THE MANAGEMENT COMMITTEE OF SRI MUKAMBIKA TEMPLE,

KOLLURU I.E., FROM THE DATE OF PASSING OF THE ORDER AS FROM THE DATE OF ASSUMING CHARGE.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 06.12.2023, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioners, in both these cases, are the Members of the Committee of Sri Mukambika Temple, Kollur. They are knocking at the doors of this Court in the subject petition seeking to quash, modify or read down the order dated 27-10-2020 issued by the 1st respondent to the extent of prescription of the term to be beginning from the date of issuance of the order to the date of first meeting of the Managing Committee.

2. Heard Sri M.Aruna Shyam, learned senior counsel appearing for the petitioners, Smt. Navya Shekhar, learned Additional Government Advocate appearing for respondents in both the petitions and Sri Prabhuling K.Navadagi, learned senior counsel appearing for impleading applicant in W.P.No.23430 of 2023.

3. Facts, in brief, germane are as follows:

The subject of the petition is Sri Mukambika Temple, Kollur. It is a temple notified under the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (hereinafter referred to as 'the Act' for short). The temple has a Managing Committee. The Managing Committee is appointed under Section 25 of the Act. The petitioners are all Members of the Managing Committee, including its Chairman. The petitioners in both the cases come to be appointed as Members of the Committee on 27-10-2020. Section 25 of the Act prescribes the term to be three years. The petitioners pursuant to the order of appointment on 27-10-2020 are functioning as Members of the Committee till time arose when formation of a new Committee was to take place. It is, therefore, the subject petition is preferred seeking modification of the order which appoints them by issue of a writ of certiorari and a direction to continue them for the complete period of three years.

4. The learned senior counsel Sri M.Aruna Shyam appearing for the petitioners would seek to contend that though the order

dated 27-10-2020 depicts that it is for three years with certain conditions, the first meeting of the Committee took place only on 26-04-2021. Therefore, on and from the date of the first meeting held, the period of the petitioners should commence and if that is held to be so, the Committee would continue up to 25-04-2024. What has driven the petitioners at this juncture is that, efforts are being made to appoint a new committee in terms of Section 25 of the Act on the score that the term of the present committee would come to an end on 26-10-2023. He would seek modification of the order as sought in the petition.

5. An impleading application is preferred in W.P.No.23430 of 2023 and permission was sought by the learned senior counsel Sri. Prabhuling K.Navadagi to represent the impleading applicant and assistant the Court. He was therefore heard with the permission of the Court. The learned senior counsel would vehemently refute the submissions to contend that the petitioners took birth as Members of the Committee on the strength of an order dated 27-10-2020. For a period of three years they have taken the benefit of the order and now want to get the order

modified. They cannot approbate and reprobate is his first submission. He would contend that Section 25 of the Act does not give any such scope of interpretation that it would commence from the date on which first meeting of the committee took place. He would seek dismissal of the petition as the interim order is operating and the petitioners are continuing beyond the period that they could continue.

6. The learned Additional Government Advocate Smt. Navya Shekhar would also toe the lines of the learned senior counsel and has produced original records for perusal of the Court which went into the decision making at the time when the Committee was appointed and further vehemently submits that the Committee is appointed on a particular date and from that date three years should be taken into consideration and not from any other date as contended by the petitioners.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The afore-narrated facts are not in dispute. The issue lies in a narrow compass which would encompass the period of the members of the committee appointed in terms of Section 25 of the Act. Therefore, it becomes necessary to notice Sections 25 and 26 of the Act. They run as follows:

> ***"25. Constitution of the Committee of Management.—(1) There shall be constituted, in respect of one or more notified institutions by the Rajya Dharmika Parishat, if the gross annual income of the notified institutions exceeds Rupees Twenty five lakhs and the Zilla Dharmika Parishat if the annual income does not exceed Rupees Twenty five lakhs, a committee of Management consisting of not more than nine members from among the devotees and followers of Hindu Religious Institutions and beneficiaries of the charitable institutions and it shall consist of,—***
>
> *(i) in the case of a temple the Pradhan Archak or Archak;*
>
> *(ii) at least one among the Scheduled Castes or Scheduled Tribes;*
>
> *(iii) two women;*
>
> *(iv) at least one from among the persons living in locality where the institution situated:*
>
> *Provided that in case of composite institution members from both Hindu and other religion may be appointed:*
>
> *Provided further that the Committee of Management in respect of notified institution be constituted according to the usage and practice prevailing therein:*

Provided also that every committee of Management or Pancha Committee or Dharmadarshi Committee or non hereditary trustees constituted or appointed under the repealed Acts who were lawfully holding office shall cease to hold such office from the date of commencement of the Karnataka Hindu Religious and Charitable Endowment (Second Amendment) Act, 2011.

(2)(a)The Rajya Dharmika Parishat and Zilla Dharmika Parishat, while constituting the Committee of Management under sub-section (1), shall have due regard to the religious denomination to which the institution or any section thereof belongs.

(b) The procedure for the constitution of Committee of Management, verification of antecedents and other matter if any, of the member shall be done in such manner as may be prescribed;

(c) No person shall be eligible to become a member in than one Committee of Management at a time;

(d) No person, who is an office bearer of any political party at any level, shall become a member of the Committee of Management.

(3) No person shall be qualified for being appointed as member of the Committee of Management of a notified institution unless,—

(i) he has faith in God;
(ii) he has attained the age of twenty five years;

(iii) he possesses good conduct and reputation and commands respect in the locality in which the institution is situated.

(4) A person shall be disqualified for being appointed or continuing as a member of the Committee of Management of any notified institution,—

(i) if he is declared as an undischarged insolvent by a competent court; or

(ii) if he is of unsound mind and stands so declared by a competent court of law or if he is a deaf or mute or is suffering from virulent form of leprosy or contagious disease; or

(iii) if he has an interest direct or indirect in any subsisting lease of any property or of any contract made with, or is in arrears of any kind due by him to such institution; or

(iv) if he is appearing as a legal practitioner for or against the institution; or

(v) if he has been sentenced by a criminal court for an offence involving moral turpitude; such sentence not having been reversed or offence pardoned; or

(vi) if he has at any time acted adverse to the interest of the institution; or

(vii) if he is an office holder other than Archaka or a servant attached to or a person in receipt of any emolument or perquisite from such institution; or

(viii) if he is addicted to intoxication, liquor or drugs; or

(ix) if he is not a Hindu, or having been a Hindu has converted to any other religion.

(5) If a member of the committee of management is or becomes subject to any disqualification under sub-section (4), he shall automatically cease to be such member.

(6) If any question arises whether a member is or has become subject to any disqualification under sub-section (4), the Dharmika Parishat may either suo-moto or on a report made to it and after giving an opportunity, of being heard to the person concerned decide the question."

... ...

> "***26. Term of Office of the Committee of Management and Election of Chairman.—(1) Subject to the pleasure of the [Rajya Dharmika Parishat or Zilla Dharmika Parishat as the case may be], members shall hold office for a term of three years unless in the meanwhile the Committee is dissolved or has ceased to function***.
>
> *(2) Where the Committee of management is constituted under Section 25, the members shall at the first meeting of the Committee, elect a Chairman from among themselves.*
>
> *(3) The State Government [or the prescribed authority] may nominate the Executive Officer as Ex-officio Secretary of the Committee of Management in respect of any notified institution or institutions, without voting rights.*
>
> *[(4) in case of notified institutions managed by more than one hereditary trustee or founder trustee, the Chairman shall be elected in accordance with such procedure as may be prescribed."*
>
> *(Emphasis supplied)*

Section 25 deals with constitution of the Committee of Management by the 3rd respondent. The Committee of Management shall have its tenure for a period of three years in terms of Section 26(1). The invocation of Section 25, results in a resolution of the 3rd respondent and the resolution results in an order dated 27-10-2020. The order reads as follows:

> *""ಕರ್ನಾಟಕ ಸರ್ಕಾರ*
>
> *ಕರ್ನಾಟಕ ರಾಜ್ಯ ಧಾರ್ಮಿಕ ಪರಿಷತ್*
>
> *ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿಗಳು, ರಾಜ್ಯ ಧಾರ್ಮಿಕ ಪರಿಷತ್ತು ಹಾಗೂ ಆಯುಕ್ತರು, ಹಿಂದೂ*

ಧರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮಾದಾಯ ದತ್ತಿಗಳ ಇಲಾಖೆ, ಬೆಂಗಳೂರು ಇವರ ನಡವಳಿಗಳು

ವಿಷಯ: ಉಡುಪಿ ಜಿಲ್ಲೆ, ಬೈಂದೂರು ತಾಲ್ಲೂಕು, ಕೊಲ್ಲೂರು ಶ್ರೀ ಮೂಕಾಂಬಿಕಾ ದೇವಾಲಯಕ್ಕೆ ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯನ್ನು ರಚಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: *1. ಈ ಕಛೇರಿಯ ಪ್ರಕಟಣೆ ಸಂಖ್ಯೆ: ಎಡಿಎಂ 8ಸಿಆರ್ 25/ 2019- 20. ದಿನಾಂಕ: 30.04.2020 ಮತ್ತು ದಿನಾಂಕ : 02.06.2020.*

2. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಉಡುಪಿ ಜಿಲ್ಲೆ, ಇವರ ಪತ್ರ ಸಂಖ್ಯೆ:ಡಿಸಿಯುಡಿಪಿ–190(ಟಿ.ಆರ್ಸ್) /06/2020 ಇ -57919 ದಿನಾಂಕ:12.10.2020.

3. ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ಕಛೇರಿ, ಉಡುಪಿ ಜಿಲ್ಲೆ ರವರ ಪತ್ರ ಸಂಖ್ಯೆ: 63/ಎಸ್.ಬಿ/ಪಿಸಿಸಿ/ಉಜಿ/2020, ದಿನಾಂಕ: 28.09.2020.

4. ದಿನಾಂಕ:21.10.2020ರಂದು ನಡೆದ 3ನೇ ರಾಜ್ಯ ಧಾರ್ಮಿಕ ಪರಿಷತ್ತಿನ 9ನೇ ಸಭೆಯ ನಿರ್ಣಯ ಸಂಖ್ಯೆ: 2(4)ರಂತೆ.

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ಪ್ರಸ್ತಾವನೆ:-

ಉಡುಪಿ ಜಿಲ್ಲೆ, ಬೈಂದೂರು ತಾಲ್ಲೂಕು, ಕೊಲ್ಲೂರು ಶ್ರೀ ಮೂಕಾಂಬಿಕಾ ದೇವಿ ದೇವಾಲಯವು ಪ್ರವರ್ಗ 'ಎ' ಅಧಿಸೂಚಿತ ಸಂಸ್ಥೆಯಾಗಿರುತ್ತದೆ. ಈ ದೇವಾಲಯಕ್ಕೆ ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯನ್ನು ರಚಿಸಲು ಆಸಕ್ತ ಭಕ್ತಾಧಿಗಳಿಂದ/ಸಾರ್ವಜನಿಕರಿಂದ ಅರ್ಜಿಗಳನ್ನು ಆಹ್ವಾನಿಸಿ ಉಲ್ಲೇಖ(1)ರಲ್ಲಿ ಹೊರಡಿಸಿದ ಪ್ರಕಟಣೆಗೆ ಸ್ಪಂದಿಸಿ ನಿಗಧಿತ ಅವಧಿಯೊಳಗೆ 158 ಅರ್ಜಿಗಳು ಸ್ವೀಕೃತವಾಗಿರುತ್ತವೆ. ದಿನಾಂಕ: 21.10.2020ರಂದು ನಡೆದ 3ನೇ ರಾಜ್ಯ ಧಾರ್ಮಿಕ ಪರಿಷತ್ತಿನ 9ನೇ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸಿ ಅರ್ಜಿದಾರರ ಅರ್ಹತೆ, ಅನರ್ಹತೆ, ವಿಳಾಸ, ಪೂರ್ವಾಪರ ವಿವರ. ಹಾಗೂ ಇತ್ಯಾದಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಮತ್ತು ಚರ್ಚಿಸಿ ದೇವಾಲಯದ ಸುವ್ಯವಸ್ಥಿತ ಆಡಳಿತದ ಹಿತದೃಷ್ಟಿಯಿಂದ ಈ ಕೆಳಕಂಡ ಮಹನೀಯರುಗಳನ್ನು ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯ ಸದಸ್ಯರನ್ನಾಗಿ ಆಯ್ಕೆ ಮಾಡಿ ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯನ್ನು ರಚಿಸಲು ಉಲ್ಲೇಖ(4)ರ ನಿರ್ಣಯದಲ್ಲಿ ತೀರ್ಮಾನಿಸಲಾಗಿರುತ್ತದೆ.

ವ್ಯವಸ್ಥಾಪನ ಸಮಿತಿಗೆ ಸದ್ಯಸರಾಗಿ ಆಯ್ಕೆಯಾಗಲು ಸ್ವೀಕೃತವಾಗಿರುವ 158 ಅರ್ಜಿಗಳ ಬಗ್ಗೆ ಸತ್ಯಾಪನೆ ಮಾಡಿ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ಉಡುಪಿ ಜಿಲ್ಲೆ ಮತ್ತು ಜಿಲ್ಲಾ ಪೊಲೀಸ್ ವರಿಷ್ಠಾಧಿಕಾರಿಗಳು ಉಲ್ಲೇಖ(2) ಮತ್ತು (3)ರನ್ವಯ ಸತ್ಯಾಪನಾ ವರದಿಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.

ದಿನಾಂಕ: 21.10.2020 ರಂದು ನಡೆದ 3ನೇ ರಾಜ್ಯ ಧಾರ್ಮಿಕ ಪರಿಷತ್ತಿನ 9ನೇ ಸಭೆಯ ನಿರ್ಣಯ ಸಂಖ್ಯೆ: 2(4)ರ ತೀರ್ಮಾನಿಸಿರುವಂತೆ ಉಡುಪಿ ಜಿಲ್ಲೆ, ಬೈಂದೂರು ತಾಲ್ಲೂಕು, ಕೊಲ್ಲೂರು

ಶ್ರೀ ಮೂಕಾಂಬಿಕಾ ದೇವಿ ದೇವಾಲಯಕ್ಕೆ ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯನ್ನು ರಚಿಸುವ ಬಗ್ಗೆ ಕೆಳಕಂಡಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿದೆ.

ಆದೇಶ ಸಂಖ್ಯೆ: ಎಡಿಎಂ–8/ಸಿಆರ್/39/2020-21, ಬೆಂಗಳೂರು ದಿನಾಂಕ:27.10.2020

3ನೇ ರಾಜ್ಯ ಧಾರ್ಮಿಕ ಪರಿಷತ್ತಿನ ದಿನಾಂಕ: 21.10.2020ರಂದು ನಡೆದ 9ನೇ ಸಭೆಯ ನಿರ್ಣಯ ಸಂಖ್ಯೆ: 2(4)ರಂತೆ ಉಡುಪಿ ಜಿಲ್ಲೆ, ಬೈಂದೂರು ತಾಲ್ಲೂಕು, ಕೊಲ್ಲೂರು ಶ್ರೀ ಮೂಕಾಂಬಿಕಾ ದೇವಿ ದೇವಾಲಯಕ್ಕೆ ಈ ಕೆಳಕಂಡ ಒಂಬತ್ತು (8) ಮಹನೀಯರು/ಮಹಿಳೆಯರನ್ನೊಳಗೊಂಡ ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯನ್ನು ಕರ್ನಾಟಕ ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮಾದಾಯ ದತ್ತಿಗಳ ತಿದ್ದುಪಡಿ ಕಾಯ್ದೆ 2011ರ ಸೆಕ್ಷನ್ 25ರ ಅನ್ವಯ ಈ ಆದೇಶ ಹೊರಡಿಸಿದ ದಿನಾಂಕದಿಂದ ಮೂರು (3) ವರ್ಷಗಳ ಅವಧಿಗೆ ಕೆಳಕಂಡ ಪರತ್ತಿಗೊಳಪಡಿಸಿ ರಚಿಸಿ ಆದೇಶ ಹೊರಡಿಸಿದೆ.

ಸಂಖ್ಯೆ: ಎಡಿಎಂ 8 ಸಿಆರ್ 39/2020–21

ಕ್ರ ಸಂ	*ವ್ಯವಸ್ಥಾಪನ ಸಮಿತಿಗೆ ಆಯ್ಕೆ ಮಾಡಲಾದ ಸದಸ್ಯರ ಹೆಸರು ಮತ್ತು ವಿಳಾಸ*	
1	*ಡಾ: ಕೆ.ರಾಮಚಂದ್ರ ಅಡಿಗ ಬಿನ್ ಕೆ.ರಾಧಾಕೃಷ್ಣ ಅಡಿಗ ಬಾಳೆಗದ್ದೆ ಮನೆ. ಕೊಲ್ಲೂರು, ಬೈಂದೂರು ತಾಲ್ಲೂಕು ಉಡುಪಿ ಜಿಲ್ಲೆ*	*ಪಾಳಿಯಲ್ಲಿರುವ ಪ್ರಧಾನ ಅರ್ಚಕರು*
2	*ಶ್ರೀಮತಿ ರತ್ನ ಕೋಂ ರಮೇಶ್ ವಿ. ಕುಂದರ್ ಆರ್ಶಿವಾದ ನಿಲಯ ಕಲ್ಯಾಣ ಗುಡ್ಡೆ, ಶ್ರೀ ಮೂಕಾಂಬಿಕ ದೇವಸ್ಥಾನದ ಹತ್ತಿರ ಮನೆ ನಂ: 2/121 ಕೊಲ್ಲೂರು, ಉಡುಪಿ ಜಿಲ್ಲೆ*	*ಮಹಿಳೆ*
3	*ಶ್ರೀಮತಿ ಸಂಧ್ಯಾ ರಮೇಶ್ ಕೋಂ ರಮೇಶ್ ನಂ.2-100, ಮಚ್ಚಟ್ಟು ಕುಂದಾಪುರ ಉಡುಪಿ*	*ಮಹಿಳೆ*
4	*ಶ್ರೀ ಗೋಪಾಲ ಕೃಷ್ಣ ಬಿನ್ ಕೃಷ್ಣ ರಾಮನಗರ ಸೇನಾಪುರ ಪೋಸ್ಟ್ ಮತ್ತು ಗ್ರಾಮ ಕುಂದಾಪುರ ತಾಲ್ಲೂಕು ಉಡುಪಿ.*	*ಎಸ್.ಸಿ*
5	*ಶ್ರೀ ಕೆರಾಡಿ ಚಂದ್ರಶೇಖರ ಶೆಟ್ಟಿ ಬಿನ್ ವೀರಣ್ಣ ಶೆಟ್ಟಿ, ಕಡುಬುಗದ್ದೆ, ಕೆರಾಡಿ ಗ್ರಾಮ, ಕುಂದಾಪುರ ತಾಲ್ಲೂಕು, ಉಡುಪಿ ಜಿಲ್ಲೆ*	*ಸಾಮಾನ್ಯ*
6	*ಶ್ರೀ ಗಣೇಶ ಕಿಣಿ ಬಿನ್ ದಿ.ಮಂಜುನಾಥ ಕಿಣಿ*	*ಸಾಮಾನ್ಯ*
7	*ಡಾ: ಅತುಲ್‌ಕುಮಾರಶೆಟ್ಟಿ ಬಿನ್ ಎ.ಭುಜಂಗಶೆಟ್ಟಿ ಅಡಾರಬೆಟ್ಟು ಮನೆ ಬೆತ್ತೂರು, ಕುಂದಾಪುರ ತಾಲ್ಲೂಕು, ಉಡುಪಿ ಜಿಲ್ಲೆ*	*ಸಾಮಾನ್ಯ*
8	*ಶ್ರೀ ಜಯಾನಂದ ಹೋಬಳಿದಾರ ಬಿನ್ ನರಸಿಂಹ ಹೋಬಳಿದಾರ ಶ್ರೀ ಮೂಕಾಂಬಿಕಾ ನಿಲಯ, ಸೋಮೇಶ್ವರ ರಸ್ತೆ, ಯಡ್ತರೆ ಗ್ರಾ:*	*ಸಾಮಾನ್ಯ*

	ಬೈಂದೂರು ತಾಲ್ಲೂಕು, ಉಡುಪಿ	
9	ಶ್ರೀ ಶೇಖರ ಪೂಜಾರಿ ಬಿನ್ ಪಂಜು ಪೂಜಾರಿ ಕಾರ್ಕಡ ಗ್ರಾಮ ಮತ್ತು ಅಂಜೆ, ಉಡುಪಿ ತಾಲ್ಲೂಕು. ಉಡುಪಿ ಜಿಲ್ಲೆ.	ಸಾಮಾನ್ಯ

ಪರತ್ತುಗಳು:

1. ಕರ್ನಾಟಕ ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮಾದಾಯ ದತ್ತಿಗಳ ತಿದ್ದುಪಡಿ ಅಧಿನಿಯಮ 2011ರ ಸೆಕ್ಷನ್ 25(3)ರ ಅನರ್ಹತೆಗಳೊಂದಿಗೆ ಹಾಗೂ ಕಾಯ್ದೆಯ (2ನೇ ತಿದ್ದುಪಡಿ) ಕಲಂ 25(2) (ಡಿ) ಅನ್ವಯ "ಯಾವುದೇ ರಾಜಕೀಯ ಪಕ್ಷದ ಪದಾಧಿಕಾರಿಯಾಗಿರುವುದು ಕಂಡು ಬಂದಲ್ಲಿ ಅಂತಹವರ ಸದಸ್ಯತ್ವವು ಸಹಜವಾಗಿಯೇ ರದ್ದಾಗುವುದು".
2. ಸದರಿ ದೇವಾಲಯದ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಯನ್ನು ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯ ಪದನಿಮಿತ್ತ ಕಾರ್ಯದರ್ಶಿಯೆಂದು ನೇಮಿಸಲಾಗಿದೆ.
3. ಮೇಲ್ಕಂಡ ಸದಸ್ಯರು ಪ್ರಥಮ ಸಭೆಯಲ್ಲಿ ತಮ್ಮಲ್ಲಿ ಒಬ್ಬರನ್ನು ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರನ್ನಾಗಿ ಆಯ್ಕೆ ಮಾಡಿ ಈ ಕಛೇರಿಗೆ ನಡವಳಿಯನ್ನು ಸಲ್ಲಿಸುವುದು.

ರಾಜ್ಯ ಧಾರ್ಮಿಕ ಪರಿಷತ್ತಿನ ನಿರ್ಣಯಾನುಸಾರ
ಹಾಗೂ ಅದರ ಪರವಾಗಿ

ಸಹಿ
(ಕೆ.ಎ.ದಯಾನಂದ)
ಸದಸ್ಯ ಕಾರ್ಯದರ್ಶಿ, ರಾಜ್ಯ ಧಾರ್ಮಿಕ ಪರಿಷತ್ತು
ಹಾಗೂ ಆಯುಕ್ತರು,
ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮಾದಾಯ
ದತ್ತಿಗಳ ಇಲಾಖೆ, ಬೆಂಗಳೂರು."

The order indicates that in terms of Section 25 of the Act, the Committee of Management of the Temple is appointed from the date of issuance of the order i.e., 27-10-2020 for a period of three years. The period has its statutory prescription under Section 26(1). Certain conditions are imposed which are not relevant for the issue

in the *lis*. The petitioners without any demur accept the order, complete three years, are now wanting to turn around and challenge the said notification insofar as it prescribes three years from 27-10-2020.

9. The modification sought is that the first meeting of the Managing Committee took place on 26-04-2021 by the act of the Executive Officer calling upon the petitioners for the first meeting for election of the Chairman to the Managing Committee. The interpretation sought to be made is that from 26-04-2021 i.e., the first meeting of the Managing Committee, the tenure of the Committee would commence. This interpretation, if accepted, would run counter to the statute. The order of appointment would run from the date of its issuance. The tenor of the order of appointment is that it would be operational for a period of three years from the date of its issuance. The date of issuance is 27-10-2020. Therefore, the order would run from that date and be in operation for a period of three years. Section 26 of the Act does not indicate from what date the tenure would commence, but would depict that the tenure would be for a period of three years. It is

axiomatic that after completion of three years from the date of appointment, the tenure of the Committee would come to an end. It does not require any complex interpretation, as the language of the statute is clear, that it is three years. From what date is too rudimentary, that it would commence from the date on which the order is issued.

10. Intervening circumstance of not calling the meeting and the first meeting is called on a particular date will not result in modification of the order from which the petitioners took birth as members of the committee, calling of the meeting is incidental to the act of the petitioners becoming members of the Committee. Election of the Chairman of the Committee in terms of the Rules at a later point in time, cannot mean that the tenure of the Members of the Committee can be extended, from the date on which the Chairman is elected. All of them initially become Members and the Chairman would be chosen from amongst Members. Therefore, membership has begun from 27-10-2020. Section 26(1) of the Act is unequivocal that it would be for three years. If the contention of

the petitioners is accepted, it would be an order contrary to the statute.

11. Apart from this fact, the petitioners also cannot approbate and reprobate. With eyes wide open, they have accepted the order dated 27-10-2020, enjoyed the fruits of the order for a period of three years and when the time to put the curtains down comes about, they want to put the clock back by modifying the order under which they took birth. This is wholly unacceptable. Therefore, I do not find any reason to accede to the prayers that are sought in the petition.

12. In the result, the petitions lacking in merit stand rejected. Interim order subsisting dissolves.

Pending applications if any, also stand disposed, as a consequence.

Sd/-
JUDGE

Bkp/CT:SS