



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF SEPTEMBER, 2023

PRESENT

THE HON'BLE MR.PRASANNA B.VARALE, CHIEF JUSTICE

AND

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

WRIT APPEAL NO.739 OF 2023 (GM-R/C)

C/W

WRIT APPEAL No.665 OF 2023 (GM-R/C)

WRIT APPEAL No.675 OF 2023 (GM-R/C)

WRIT APPEAL No.738 OF 2023 (GM-R/C)

WRIT APPEAL No. 785 OF 2023 (GM-R/C)

WRIT APPEAL No. 1047 OF 2023 (GM-R/C)

AND

WRIT APPEAL No.846 OF 2023 (GM-R/C)

IN WA No.739 OF 2023

BETWEEN:

K.S.NAVEEN
S/O K.R. SHIVAPRAKASH
AGED ABOUT 47 YEARS
MEMBER OF LEGISLATIVE COUNCIL
CHITRADURGA AND DAVANAGERE
R/AT NAVEEN NILAYA
V.P. EXTENSION
2ND CROSS
CHITRADURGA - 577 501.

... APPELLANT

(BY SRI. K.G. RAGHAVAN, SR. ADVOCATE A/W
SRI. RAJESWARA P.N., ADVOCATE)

AND:

1 . THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
B.R. AMBEDKAR ROAD

BENGALURU - 560 001.

- 2 . THE DEPUTY SECRETARY
REVENUE DEPARTMENT
(LAND, UPOR AND RELIGIOUS ENDOWMENT)
VIKAS SOUDHA
B.R. AMBEDKAR ROAD
BENGALURU - 560 001.
- 3 . THE SECRETARY
MUZRAI DEPARTMENT
VIKAS SOUDHA
B R AMBEDKAR ROAD
BENGALURU - 560 001.
- 4 . THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS AND
CHARITABLE ENDOWMENTS DEPARTMENT
VARTHA BHAVANA
CHAMARAJPETE
BENGALURU - 560 018.
- 5 . THE DEPUTY COMMISISONER
CHITRADURGA DISTRICT - 577 501.
KARNATAKA
- 6 . SRI. P.S. VASTRAD (I.A.S. RETD.)
No.301, CASA GRANDE APARTMENT
BEHIND MARTIAL MOTROS VOLVO SHOWROOM
POORPA PRASAD ROAD
RACE COURSE
BENGALURU - 560 001.
- 7 . THE REGISTRAR OF SOCIETIES
CHAMARAJAPETE
BENGALURU - 560 018.
- 8 . SRI. JAGADGURU
MURUGARAJENDRA VIDHYA PEETHA
M.K. HATTI
CHITRADURGA -577 502
KARNATAKA
REP. BY ITS PRESIDENT.

9 . SRI. JAGADGURU MURUGARAJENDRA
 BRUHAN MATH
 REP. BY ITS PONTIFF AND CHIEF
 DR. SHIVAMURTHY MURUGHASHARANAU
 REP BY THE GPA HODLER
 SRI. BASAVA PRABHUSWAMIGALU
 VIRAKTHA MATH
 DAVANAGERE
 KARNATAKA - 577 001.

... RESPONDENTS

(BY SRI.VIKRAM HUILGOL ADDL. ADVOCATE GENERAL A/W
 SRI.S.S. MAHENDRA PRINCIPAL GOVERNMENT
 ADVOCATE FOR R1 TO R5 & 7;
 SRI. JAYAKUMAR S. PATIL SR. ADVOCATE A/W
 SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR R8 & R9;
 V/O DATED:18.07.2023, NOTICE TO R-6 IS DISPENSED
 WITH)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
 THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
 i) SET ASIDE THE ORDER DATED 22.05.2023 IN WP No.
 25316/2022 (GM-R/C) PASSED BY THE LEARNED SINGLE
 JUDGE.

IN WA No.665 OF 2023

BETWEEN:

H. EKANTIAH,
 S/O LATE THIPPA RUDRAIAH
 AGED ABOUT 89 YEARS
 R/AT BABBUR
 BABBUR FARM
 CHITRADURGA -577 598
 KARNATAKA.

... APPELLANT

(BY SRI. AKASH V.T., ADVOCATE)

AND:

- 1 . THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
B.R. AMBEDKAR ROAD
BANGALORE - 560 001.
2. SRI. JAGADGURU MURUGARAJENDRA
VIDHYA PEETHA
M.K. HATTI
CHITRADURGA - 575 502
KARNATAKA
REP. BY ITS PRESIDENT.
3. SRI. JAGADGURU
MURUGHARAJENDRA BRUHAN MATH
REP. BY ITS PONTIFF AND CHIEF
DR. SHIVAMURTHY
MURUGASHARANARU
REP. BY THE GPA HOLDER
SRI. BASAVAPRABHUSWAMIGALU
VIRATKTHA MATH
DAVANAGERE - 577 002.
KARNATAKA.
4. THE DEPUTY SECRETARY
REVENUE DEPARTMENT
(LAND, UPOR AND RELIGIOUS
ENDOWMENT)
VIKAS SOUDHA
B.R. AMBEDKAR ROAD
BANGALORE - 560 001.
5. THE SECRETARY
MUZRAI DEPARTMENT
VIKAS SOUDHA
B R AMBEDKAR ROAD
BANGALORE - 560 001.
- 5 . THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS
AND CHARITABLE ENDOWMENTS

DEPARTMENT
 VARTHA BHAVANA
 CHAMARAJAPETE
 BANGALORE - 560 018.

7. THE DEPUTY COMMISSIONER
 CHITRADURGA DISTRICT
 KARNATAKA - 577 501.
8. SRI P.S. VASTRAD(IAS RETD)
 NO.301, CASA GRANDE APARTMENT
 BEHIND MARTIAL MOTORS
 VOLVO SHOWROOM
 POORPA PRASAD ROAD
 RACE COURSE
 BANGALORE - 560 001.
- 8 . THE REGISTRAR OF SOCIETIES
 CHAMARAJPET
 BENGALURU - 560 018.

... RESPONDENTS

(BY SRI. VIKRAM HUILGOL ADDL. ADVOCATE GENERAL A/W
 SRI. S.S. MAHENDRA PRINCIPAL GOVERNMENT ADVOCATE
 FOR R1 TO R4 & R9
 SRI. JAYAKUMAR S. PATIL SR. ADVOCATE FOR
 SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR C/R2 & R3
 V/O DATED:18.07.2023, NOTICE TO R8 IS
 DISPENSED WITH)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
 THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
 a) SET ASIDE THE ORDER DATED:22.05.2023 PASSED IN
 INTER ALIA W.P. No. 25316/2022.

IN WA No.675 OF 2023

BETWEEN:

H. EKANTIAH
 S/O LATE THIPPA RUDRAIAH
 AGED ABOUT 89 YEARS
 RESIDING AT BABBUR

BABBUR FARM
CHITRADURGA -577 598
KARNATAKA.

... APPELLANT

(BY SRI. AKASH V.T., ADVOCATE)

AND:

1. THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
B.R. AMBEDKAR ROAD
BANGALORE - 560 001.
2. SRI. D.S. MALLIKARJUN
S/O D.B. SHIVASHALAPPA
AGED ABOUT 51 YEARS
R/AT 'BELADINGALU'
2ND MAIN, 6TH CROSS
VIDYANAGAR
CHITRADURGA - 577 501.
3. SRI. THIPPESWAMY H.N.,
S/O H.N. NINGAPPA
AGED ABOUT 60 YEARS
R/AT 504, BHARAMASAGARA
CHITRADURGA - 577 519.
4. SRI. JITENDRA V.,
S/O LATE NIJALINGAPPA B.T.,
AGED ABOUT 40 YEARS
R/AT 'AMMANNA KANASU'
2ND CROSS, KSRTC BADAVANE
JOGIMATTI ROAD
CHITRADURGA - 577 501.
5. THE DEPUTY SECRETARY
REVENUE DEPARTMENT,
(LAND, UPOR AND RELIGIOUS ENDOWMENT)
VIKAS SOUDHA
B R AMBEDKAR ROAD
BANGALORE - 560 001.

6. THE SECRETARY
MUZRAI DEPARTMENT
VIKAS SOUDHA
B R AMBEDKAR ROAD
BANGALORE - 560 001.
7. THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS
AND CHARITABLE
ENDOWMENTS DEPARTMENT
VARTHA BAHVANA
CHAMARAJAPETE
BANGALORE - 560 018.
8. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT
KARNATAKA - 577 501.
9. SRI. P.S. VASTRAD (I.A.S.RETD.)
NO 301, CASA GRANDE APARTMENT
BEHIND MARTIAL MOTORS
VOLVO SHOWROOM
POORPA PRASAD ROAD
RACE COURSE
BANGALORE - 560 001.
10. THE REGISTRAR OF SOCIETIES
CHAMARAJAPET
BENGALURU - 560 018.
- 11 . SRI. JAGADGURU
MURUGHARAJENDRA VIDHYA PEETHA
M K HATTI
CHITRADURGA - 575 502
KARNATAKA
REP. BY ITS PRESIDENT.
- 12 . SRI. JAGADGURU
MURUGHARAJENDRA BRUHAN MATH
REP BY ITS PONTIFF AND
CHIEF DR. SHIVAMURTHY
MURUGASHARANARU
REP. BY THE GPA HOLDER
SRI. BASAVAPRABHUSWAMIGALU

VIRATKTHA MATH
 DAVANAGERE - 577 002.
 KARNATAKA

... RESPONDENTS

(BY SRI. VIKRAM HUILGOL ADDL. ADVOCATE GENERAL A/W
 SRI. S.S. MAHENDRA PRINCIPAL GOVERNMENT ADVOCATE
 FOR R1, R5 TO R8 & R10;
 SRI. UDAYA HOLLA SR. ADVOCATE A/W
 SRI. CHANNABASAPPA S., NANDIHAL, ADVOCATE FOR
 R2 & R3;
 SRI. JAYAKUMAR S. PATIL SR. ADVOCATE FOR
 SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR R11 & R12;
 V/O DATED:18.07.2023 NOTICE TO R9 IS DISPENSED WITH.

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
 THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
 a) SET ASIDE THE ORDER DATED:22.05.2023 PASSED IN
 INTER ALIA W.P. No. 25318/2022.

IN WA No.738 OF 2023

BETWEEN:

K.S.NAVEEN
 S/O K.R. SHIVAPRAKASH
 AGED ABOUT 47 YEARS
 MEMBER OF LEGISLATIVE COUNCIL
 CHITRADURGA AND DAVANGERE
 R/AT NAVEEN NILAYA
 V.P. EXTENSION
 2ND CROSS
 CHITRADURGA - 577 501.

... APPELLANT

(BY SRI. K.G. RAGHAVAN SR. ADVOCATE A/W
 SRI. RAJESWARA P.N., ADVOCATE)

AND:

- 1 . THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
B.R AMBEDKAR ROAD
BENGALURU - 560 001.
- 2 . THE DEPUTY SECRETARY
REVENUE DEPARTMENT
(LAND, UPOR AND RELIGIOUS ENDOWMENT)
VIKAS SOUDHA
B R AMBEDKAR ROAD
BENGALURU - 560 001.
- 3 . THE SECRETARY
MUZRAI DEPARTMENT
VIKAS SOUDHA
B.R AMBEDKAR ROAD
BENGALURU - 560 001.
- 4 . THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS
AND CHARITABLE ENDOWMENTS
DEPARTMENT, VARTHA BHAVANA
CHAMARAJAPETE
BENGALURU - 560 018.
- 5 . THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT - 577 501
KARNATAKA.
- 6 . SRI. P S VASTRAD (I.A.S. RETD.)
No. 301, CASA GRANDE APARTMENT
BEHIND MARTIAL
MOTORS VOLVO SHOWROOM
POORPA PRASAD ROAD
RACE COURSE
BEGNALURU - 560 001.

- 7 . THE REGISTRAR OF SOCIEITES
CHAMARAJPETE
BENGALURU - 560 018.
- 8 . SRI. JAGADGURU MURUGARAJENDRA
VIDHYA PEETHA
M K HATTI
CHITRADURGA - 577 502
KANRANATAKA
REP BY ITS PRESIDENT.
- 9 . SRI. JAGADGURU
MURUGARAJENDRA BRUHAN MATH
REP BY ITS PONITFF AND CHIEF
DR. SHIVAMURTHY
MURUGHASHARANARU
REP. BY THE GPA HOLDER
SRI. BASAVAPRABHUSWAMIGALU
VIRAKTHA MATH
DAVANAGERE - 577 001.
KARNATAKA.
- 10 . D.S MALLIKARJUN
S/O D.B. SHIVASHALAPPA
AGED ABOUT 51 YEARS
R/AT BELADINGALU
2ND MAIN, 6TH CROSS
VIDYANAGARA
CHITRADURGA - 577 501.
- 11 . SRI. THIPPESWAMY H.N.,
S/O H N NINGAPPA
AGED ABOUT 61 YEARS
R/AT NO. 504
BHARAMASAGARA
CHITRADURGA - 577 519.
- 12 . SRI. JITENDRA N.,
S/O LATE NIJALINGAPPA B.T.,
AGED ABOUT 40 YEARS
R/AT AMMANA KANASU
2ND CROSS
KSRTC BADAVANE

JOGIMATTI ROAD
CHITRADURGA - 577 501.

... RESPONDENTS

(BY SRI. VIKRAM HUILGOL ADDL. ADVOATE GENERAL A/W
SRI. S.S. MAHENDRA PRINCIPAL GOVERNMENT ADVOCATE
FOR R1 TO R5 & R7;
V/O DATED:18.07.2023, NOTICE TO R6 IS DISPENSED WITH
SRI. JAYAKUMAR S. PATIL SR. ADVOCATE FOR
SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR R8 & R9;
SRI. UDAYA HOLLA, SR. ADVOCATE FOR
SRI. CHANNABASAPPA S. NANDIHAL, ADVOCATE FOR R10 & R11

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
(i) SET ASIDE THE ORDER DATED:22.05.2023 IN WP. No.
25318/2022 (GM-R/C) PASSED BY THE LEARNED SINGLE
JUDGE.

IN WA No.785 OF 2023

BETWEEN:

1. THE GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
BENGALURU-560 001
REP. BY CHIEF SECRETARY TO GOVERNMENT.
2. THE GOVERNMENT OF KARNATAKA
DEPT. OF REVENUE
(LAND, UPOR AND RELIGIOUS ENDOWMENT)
VIKASA SOUDHA
B R AMBEDKAR ROAD
BENGALURU-560 001
REP. BY DEPUTY SECRETARY TO GOVERNMENT.
3. THE GOVERNMENT OF KARNATAKA
MUZRAI DEPARTMENT
VIKASA SOUDHA
B R AMBEDKAR ROAD
BENGLAURU-560 001
REP. BY SECRETARY TO GOVERNMENT.

4. THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS
AND CHARITABLE ENDOWMENTS
DEPARTMENT, VARTHA BHAVANA
CHAMRAJPETE, BANGALORE-560 018.
5. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT
KARNATAKA-577501.
6. THE REGISTRAR OF SOCIETIES
CHAMARAJPET
BENGALURU-560 018.

... APPELLANTS

(BY SRI. VIKRAM HUILGOL, ADDL. ADVOCATE GENERAL A/W
SRI. S.S. MAHENDRA PRINCIPAL GOVERNMENT ADVOCATE)

AND:

- 1 . SRI. JAGADGURU
MURUGHARAJENDRA VIDHYA PEETHA
M K HATTI
CHITRADURGA
KARNATAKA-575 502
REP BY ITS PRESIDENT.
2. SRI. JAGADGURU
MURUGHARAJENDRA BRUHAN MATH
REP. BY ITS PONTIFF AND CHIEF
DR SHIVAMURTHY
MURUGASHARANAU
REP. BY THE GPA HOLDER
SRI. BASAVAPRABHUSWAMIGALU
VIRATKTHA MATH, DAVANAGRE -577 002
KARNATAKA.
3. SRI. P.S. VASTRAD (I.A.S.RETD)
No.301, CASA GRANDE APARTMENT
BEHIND MARTIAL MOTORS VOLVO SHOWROOM
POORPA PRASAD ROAD
RACE COURSE
BANGALORE - 560 001.

... RESPONDENTS

(BY SRI. UDAYA HOLLA SR. ADVOCATE A/W
 SRI. CHANNABASAPPA S. NANDIHAL, ADVOCATE FOR
 R1 & R2(IN WP.No.25318/2022);
 SRI. JAYAKUMAR S. PATIL SR. ADVOCATE A/W
 SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR R1 & R2
 (IN WP No.25316/2022 & R5 & R6 (IN WP.No.25318/2022)\

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO a) CALL FOR RECORDS; b) ALLOW THIS WRIT APPEAL AND SET ASIDE THE ORDER DATED:22.05.2023 PASSED BY THE LEARNED SINGLE JUDGE IN WP No-25316/2022 C/w WP No-25318/2022 (GM-R/C) IN THE INTEREST OF JUSTICE AND EQUITY.

IN WA No.1047 OF 2023

BETWEEN:

1. THE GOVERNMENT OF KARNATAKA
 VIDHANA SOUDHA
 BENGALURU-560 001
 REP BY CHIEF SECRETARY TO GOVERNMENT.
2. THE GOVERNMENT OF KARNATAKA
 DEPT. OF REVENUE
 (LAND, UPOR AND RELIGIOUS ENDOWMENT)
 VIKASA SOUDHA
 B R AMBEDKAR ROAD
 BENGALURU-560 001
 REP BY DEPUTY SECRETARY TO GOVERNMENT.
3. THE GOVERNMENT OF KARNATAKA
 MUZRAI DEPARTMENT
 VIKASA SOUDHA
 B R AMBEDKAR ROAD
 BENGALURU-560 001
 REP BY SECRETARY TO GOVERNMENT.

4. THE COMMISSIONER
HINDU RELIGIOUS INSTITUTIONS
AND CHARITABLE ENDOWMENTS DEPARTMENT,
VARTHA BHAVANA
CHAMRAJPETE
BANGALORE-560 018.
5. THE DEPUTY COMMISSIONER
CHITRADURGA DISTRICT - 577 501
KARNATAKA.
6. THE REGISTRAR OF SOCIETIES
CHAMARAJPET
BENGALURU-560 018.

... APPELLANTS

(BY SRI. VIKRAM HUILGOL, ADDL. ADVOCATE GENERAL A/W
SRI. S.S. MAHENDRA PRINCIPAL GOVERNMENT ADVOCATE)

AND:

- 1 . SRI. D.S. MALLIKARJUN
S/O D.B. SHIVASHALAPPA
AGED ABOUT 51 YEARS
R/AT BELADINGALU, 2ND MAIN
6TH CROSS, VIDYANAGARA
CHITRADURGA - 577 501.
2. SRI. THIPPESWAMY H N
S/O H N NINGAPPA
AGED ABOUT 61 YEARS
R/AT NO.504,
BHARAMASAGARA
CHITRADURGA-577 519.
3. SRI. JITENDRA N.,
S/O LATE NIJALINGAPPA B T
AGED ABOUT 40 YEARS
R/AT AMMANA KANASU
2ND CROSS, KSRTC BADAVANE
JOGIMATTI ROAD
CHITRADURGA-577 501.

4. SRI. P.S. VASTRAD (I.A.S.RETD)
No.301, CASA GRANDE APARTMENT
BEHIND MARTIAL MOTORS VOLVO SHOWROOM
POORPA PRASAD ROAD
RACE COURSE
BANGALORE - 560 001.
5. SRI. JAGADGURU
MURUGHARAJENDRA VIDHYA PEETHA
M K HATTI
CHITRADURGA
KARNATAKA-575 502
REP BY ITS PRESIDENT.
6. SRI. JAGADGURU
MURUGHARAJENDRA BRUHAN MATH
REP. BY ITS PONTIFF AND CHIEF
DR SHIVAMURTHY
MURUGASHARANAU
REP. BY THE GPA HOLDER
SRI. BASAVAPRABHUSWAMIGALU
VIRATKTHA MATH
DAVANAGRE -577 002
KARNATAKA.

... RESPONDENTS

(BY SRI. UDAYA HOLLA SR. ADVOCATE A/W
SRI. CHANNABASAPPA S. NANDIHAL, ADVOCATE FOR
R1 & R2(IN WP.No.25318/2022);
SRI. JAYAKUMAR S. PATIL SR. ADVOCATE A/W
SRI. S. KALYAN BASAVARAJ, ADVOCATE FOR R1 & R2
(IN WP No.25316/2022 & R5 & R6 (IN WP.No.25318/2022)\

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
a) CALL FOR RECORDS; b) ALLOW THIS WRIT APPEAL AND
SET ASIDE THE ORDER DATED:22.05.2023 PASSED BY THE
LEARNED SINGLE JUDGE IN WP No-25316/2022 C/w WP
No-25318/2022 (GM-R/C) IN THE INTEREST OF JUSTICE
AND EQUITY.

IN WA No.846 OF 2023
BETWEEN:

- 1 . SRI JAGADGURU
 MURUGHARAJENDRA VIDYA PEETHA
 M.K. HATTI,
 CHITRADURGA - 577502
 KARNATAKA
 REP BY ITS PRESIDENT.

- 2 . SRI JAGADGURU
 MURUGHARAJENDRA BRUHAN MATH
 BY ITS PONTIFF AND CHIEF
 DR. SHIVAMURTHY MURUGHA SHARANARU
 REP. BY THE GPA HOLDER
 SRI. BASAVAPRABHUSWAMIGALU
 VIRAKTHA MATH
 DAVANAGERE - 577 002.
 KARNATAKA.

... APPELLANTS

(BY SRI. JAYAKUMAR S. PATIL SR. ADVOCATE A/W
 SRI. S. KALYAN BASAVARAJ, ADVOCATE)

AND:

- 1 . THE CHIEF SECRETARY
 GOVERNMENT OF KARNATAKA
 VIDHANA SOUDHDA
 B.R. AMBEDKAR ROAD
 BANGALORE-560 001.

- 2 . THE DEPTUY SECRETARY
 REVENUE DEPARTMENT
 (LAND, UPLLOR AND RELIGIOUS ENDOWMENT)
 VIKAS SOUDHA
 B.R. AMBEDKAR ROAD
 BANGALORE - 560 001.

- 3 . THE SECRETARY
 MUZRAI DEPARTMENT
 VIKAS SOUDHA
 B.R. AMBEDKAR ROAD
 BANGALORE-560 001.

- 4 . THE COMMISSIONER
 HINDU RELIGIOUS INSTITUTION

AND CHARITABLE ENDOWMENTS DEPARTMENT
 VARTHA BHAVANA
 CHAMRAJPETE
 BANGALORE - 560 018.

- 5 . THE DEPUTY COMMISSIONER
 CHITRADURGA DISTRICT -577501
 KARNATAKA.
- 6 . SRI. P.S. VASTRAD (I.A.S RETD)
 NO. 301, CASA GRANDE APARTMENT
 BEHIND MARTIAL
 MOTORS VOLVO SHOWROOM
 POORPA PRASAD ROAD
 RACE COURSE
 BANGALORE - 560 001.
- 7 . THE REGISTRAR OF SOCIETIES
 CHAMRAJET
 BENGALURU-560 018.

... RESPONDENTS

(BY SRI. VIKRAM HUILGOL ADDL. ADVOCATE GENERAL A/W
 SRI. S.S. MAHENDRA PRINCIPAL GOVERNMENT ADVOCATE
 FOR R1 TO R5;
 V/O DATED:17.08.2023, NOTICE TO R6 IS DISPENSED
 WITH)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF
 THE KARNATAKA HIGH COURT ACT, 1961, PRAYING TO
 A) SET SAID THE ORDER DATED:22.05.2022 PASSED BY
 THE LEARNED SINGLE IN WRIT PETITION. NO.25316/2022
 (GM-R/C) TO THE EXTENT OF DIRECTIONS ISSUED AT
 CLAUSE (II) TO (V) OF THE IMPUGNED ORDER BY
 ALLOWING THIS APPEAL; AND.

THESE APPEALS HAVING BEEN HEARD AND
 RESERVED, COMING ON FOR PRONOUNCEMENT OF
 JUDGMENT, THIS DAY, **CHIEF JUSTICE.**, DELIVERED THE
 FOLLOWING:

JUDGMENT

These batch of appeals arise out of a common order dated 22.05.2023 passed in W.P.No.25316/2022 c/w W.P.No.25318/2022 by which learned Single Judge of this Court while quashing the impugned Government Order dated 13.12.2022, whereby respondent No.6-Mr.P.S.Vastrad, a retired I.A.S Officer had been appointed as the administrator of Shree Jagadguru Murugharajendra Vidyapeeta (hereinafter referred to as the `Vidyapeeta') and Shree Jagadguru Murugharajendra Bruhan Math (hereinafter referred to as the `Math') - writ petitioners, also issued certain directions in the nature of extending the term of the administrator for a period of six weeks as an interim arrangement enabling the devotees of the Math and prominent members of the community to device a plan of action for due administration and management of the affairs of the Math and its institutions with an option to seek relief/redressal in terms of Section 92 of Code of Civil Procedure.

2. The impugned Government Order dated 13.12.2022 appointing the administrator as above, had been issued by the State Government purportedly in

exercise of its power under Article 162 and 31(A) of the Constitution of India for the purposes of safeguarding the movable and immovable properties of the Math and Vidyapeeta and to prevent misappropriation of the funds. The said order came to be issued in the light of criminal cases having been filed against Sri.Shiva Murthy Murugha Sharanaru, the pontiff of the Math on 13.10.2022 before Nazarbada Police, Mysore in Crime No.155/2022 for the offences punishable under Section 376(2) (i), 376(3) r/w Section 149 of Indian Penal Code, 1860 and under Sections 17, 5(1) and (6) of the Protection of Children from Sexual Offences Act, 2012, investigation of which was transferred by the Fast Track Court, Mysore to Rural Police Chitradurga on the ground of territorial jurisdiction of the offences. The accused-pontiff and other persons have been arrested and are in continuous judicial custody. It appears charge sheets have been filed and after taking cognizance of the matter the Special Court at Chitradurga has registered cases in Spl.C.(P) No.181/2022 and Spl.C(P) No.182/2022.

3. The above writ petitions have been filed by the Vidyapeeta and the math aggrieved by the impugned Government Order alleging violation of Article 14, 19, 21,

25 and 27 of the Constitution of India. It is also contended that the impugned Government Order passed in purported exercise of power under Article 162 and 31A of the Constitution is without authority of law inasmuch as the field is occupied to regulate the activities of the math and institutions under the Code of Civil Procedure and Karnataka Societies Registration Act. That the rights guaranteed under Article 25 and 26(b) can only be regulated by "law" enacted by the legislature and not through and under the executive power as the same would amount to colourable exercise of power. That mere absence of the pontiff in view of filing of cases against him would not empower the Government to exercise its power in the nature of issuing impugned Government Order.

4. On behalf of respondent-State it was contended that the issuance of impugned Government Order in exercise of power under Article 162 of the Constitution of India was necessitated in view of promulgation of Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 which in turn repealed the laws which occupied the field vide Entry 28 of List III of the Constitution of India. That there was no violation of any

fundamental rights and since the Government has *parens patriae* jurisdiction it was necessary to prevent abuse of administration and to safeguard vast of the properties of the math and its institutions.

5. Considering the rival contentions learned Single Judge framed following questions for his consideration, namely;

(i) Whether the impugned order dated 13.12.2022 whereby the Government in its exercise of power under Article 162, has appointed the administrator to the Math and to Vidya Peeta, is liable to be voided for want of competence.....?

(ii) Whether the petitioner-pontiff facing criminal cases and presently continuing in judicial custody, can exercise managerial functions of his office/position or as the president of the Trust in question by way of delegation..?

(iii) Whether the impugned order appointing the Administrator of the Math and institutions, is violative of the fundamental rights guaranteed under Article 26 of the Constitution and therefore, is liable to be quashed..? "

6. Learned Single Judge by the impugned order answered the aforesaid questions in the negative primarily on the premise that, the Math is a religious denomination and the pontiff is the serving Matadhipathi; that their fundamental rights both religious and proprietary are guaranteed under Article 26 of the Constitution of India; that very pontiffhood has proprietary character that enjoys

protection under Article 300A of the Constitution of India; therefore the appointment of the Administrator amounts to substantial interference by the State with the administration and management of the affairs of both the Math and the institution.

7. Learned Single Judge while addressing the issue regarding exercise of power by the State under Article 162 and 31(A) of the Constitution of India, referred to provisions of the Hindu Religious Institutions and Charitable Endowments Act, 1997 and Section 1 of Karnataka Amending Act No.27 of 2011 which excludes maths headed and managed by Matadhipathi from the purview of the Act, 1997, to hold that despite repeal of the statute there is no legislative vacuum and the said field continues to be occupied by law namely, 2011 Act. Considering the fact that the affairs of the Math being governed by a Registered Trust, learned Single Judge also opined the provisions of Section 92 of CPC becomes invocable. Thus, on the basis of aforesaid broad reasoning learned Single Judge allowed the writ petitions quashing the impugned Government order with further observations/directions as noted hereinabove.

8. Aggrieved by the same, one Sri.K.S.Naveen has filed W.A.No.739/2023, W.A.No.738/2023, and similarly Sri. H.Ekantiah has filed the Writ Appeals in W.A.No.665/2023 and W.A.No.675/2023 along with applications seeking permission to file the same as they were not parties to the writ petitions. The State has also filed an appeal in W.A.No.785/2023 aggrieved by the quashing of the impugned Government Order. The Vidyapeetha has filed W.A.No.846/2023 being aggrieved by the observations/directions issued by the learned Single Judge as noted above.

9. Heard Sri. K.G. Raghavan, learned Senior Advocate for Sri. P.N.Rajeshwar learned counsel for the appellant in W.A.No.739/2023 and W.A.No.738/2023, Sri.Akash V.T, learned counsel appearing for the appellant in W.A.No.665/2023 and W.A.No.675/2023. Sri. Shashikiran Shetty, learned Advocate General and Sri. Vikram Huilgol, learned Additional Advocate General for the State which is the appellant in W.A.No.785/2023, Sri.Udaya Holla, learned Senior Advocate appearing for Sri.Channabasappa S.Nandihal, learned counsel for respondent Nos.1 and 2 in W.A.No.675/2023,

W.A.No.738/2023 for respondent Nos. 10 and 11 in W.A.No.785/2023 (for respondent Nos.1 and 2 in W.P.No.25318/2022) and Sri. Jayakumar S. Patil, learned Senior counsel for Sri. S.Kalyan Basavaraj for respondent Nos.11 and 12 in W.A.No.675/2023 and for respondent Nos. 8 and 9 in W.A.No.738/2023, and for respondent Nos.1 and 2 in W.A.No.785/2023 and for appellants in W.A.No.846/2023.

10. At the outset it is necessary to note that the State Government even after filing the writ appeal in W.A.No.785/2023 being aggrieved by quashing of its order dated 13.12.2022, has now withdrawn the same by another order dated:30.06.2023. A copy of the said order withdrawing the order dated:13.12.2022 is placed on record which reads as under;

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11. It is vehemently contended by Sri Jayakumar S. Patil., and Sri. Udaya Holla Learned Senior Counsel on behalf of the petitioners that since the impugned Government Order dated:13.12.2022 has now been withdrawn as above, the writ appeals in W.A.No.739/2023, W.A.No.665/2023, W.A.No.675/2023 and W.A.No.738/2023 have become infructuous rendering the same a mere academic issue. On the other hand it is contended on behalf of the appellants that since the directions issued by the learned Single Judge reserving liberty to evolve plan of action or adopt recourse to Section 92 of C.P.C concerning to administration and management of the math and the Vidyapeeta, restoration of the impugned Government Order is necessary till a proper alternate arrangement is made for their due management and administration.

12. Though learned Senior counsel for the respective private parties and learned Advocate General and learned Additional Advocate General for the State vehemently made submissions for and against the reasoning and the conclusions arrived at by the learned Single Judge in the impugned order, what has been essentially missed out in the submission before this Court as well as before the

learned Single Judge is the fact that the Vidyapeeta, which is the petitioner No.1 in the writ petitions has been registered under the provisions of the Mysore Registration Act, 1960. A certificate of registration dated 21.06.1966 is produced as Annexure-B, along with Bye-laws, Rules and Regulations Governing its management and administration.

13. As regards the Math, petitioner No.2 in the writ petitions is concerned, admittedly one Sri.Basava Prabhu Swamiji of Viraktamath, Davanagere, has been appointed as prabhavi peetadhipathi until further orders by the present Peetadhipathi Pontiff to carryout religious and traditional affairs of the Math.

14. It is categorically submitted Sri. K.G. Raghavan by learned senior counsel for appellants that they are not seeking any relief as regards the religious affairs of the math and their concern is only with regard to affairs of the Vidyapeeta. This is on the basis that the Vidyapeeta consists of several educational and other institutions having thousands of students/employees/staffs, receiving Government aids involving public interest at large. It is further contended that a distinction between the secular and the religious aspect of the math is necessary for

applying the test of Article 25 and 26 of the Constitution of India. It is also contended that a recourse to Section 92 of C.P.C is inadequate. That apart even if the Vidyapeeta is registered under the Societies Registration Act as regards the assets of the math exercise of power by the State under Article 162 is still imperative.

15. In response Sri. Jayakumar S. Patil learned senior counsel for the math and the Vidyapeeta submitted that all the institutions of the Vidyapeeta have been established and being run on the properties of the math and in a way they are inseparable. It is also contended that mere incarceration of the pontiff would not take away his fundamental rights to govern and administer the affairs of the math which includes its institutions.

16. The fact remains in view of the above undisputed fact of the Vidyapeeta having been registered under the provisions of Societies Act, this Court is of the view that consideration of the submissions made at the Bar on behalf of the contesting parties and analyzing the reasons and findings rendered by the learned Single Judge in the impugned order on the issue of exercise of power by the State under Article 162 and 31(A) of the Constitution of

India or the applicability of provisions of Section 92 of CPC becomes academic. Firstly, because provisions of Article 162 or Section 92 of CPC becomes invocable only in the absence of a "law" occupying the field. Secondly, because there is no dispute with regard to the applicability of the provisions of the Societies Registration Act which would govern the field in the matters of administration, management or otherwise of a Society and in the present case of the Vidyapeeta.

17. Therefore, the points that arise for our consideration are;

(i) Whether the State Government is justified in issuing the impugned Government order dated 13.12.2022 in exercise of power under Article 162 and 31(A) of the Constitution of India in view of the Vidyapeeta having been registered under the provisions of the Societies Registration Act, 1960 and having its own Rules, Regulations and Bye-laws framed thereunder being available and applicable?.

(ii) Whether the reasoning, findings, observations/ directions given by learned Single Judge in the impugned order have been rendered otiose?.

18. The premise on which the impugned order is passed by learned Single Judge is that the executive power may ordinarily be exercised in the absence of any

legislation to support an action and it cannot be so exercised as to contravene any law relating to matter or rules having the force of law. That in the instant case in the light of amendment to the Mysore Religious and Charitable Institutions Act, 1997 as regards the matter concerning maths and temples attached to the maths continues to be occupied by Amendment Act No.27 of 2011 and that if there is any allegation of breach of any express or constructive trust created for a public charitable or religious purpose like that of the petitioner-math and where the directions of the Court is necessary for such trust, a suit under Section 92 of C.P.C would be maintainable. That it is further observed by learned Single Judge that since Section 92 of C.P.C thus occupies the field, and as a consequence the executive power otherwise available to the State under Article 162 is denuded and therefore impugned order was without jurisdiction. Having thus held learned Single Judge proceeded to quash the impugned Government order dated 13.12.2022 with further directions as noted hereinabove.

19. Though the impugned Government order has been withdrawn subsequently as noted above, the matter with regard to directions issued by learned Single Judge has

given rise to a situation requiring consideration by this Court.

20. However, from the records it is now revealed before this Court that the Vidyapeeta, which is running several institutions having thousands of students and staffs and which institutions are established and being run on the immovable properties belonging to the math, has been registered under the then Mysore Societies Registration Act, 1960. It is relevant at this juncture to extract the Rules, Regulations and byelaws of the Vidyapeeta particularly with regard to administration and management of the institution which are as under:

Rules and Regulations:

"Administration and Management of the vidyapeeta: The administration and management of the Vidyapeetha shall be carried by a Governing body called Committee of Trustees whose strength shall be nine apart from the President and the Secretary. The Jagadguru of Bruhan Mutt, Chitradurga shall be the President, The President shall have power to appoint a Secretary, no person who is below the age of 30 years shall be eligible to be trustee.

The Governing Body with the consent of the President may nominate 50 persons as Ex-officio members from among the sister Educational Societies and other institutions and well known personalities.

1. The President of the Vidyapeet has got power to nominate 2/3 members to the governing body. The remaining 1/3 members shall be elected by election

to be held once in three years at the general body meeting.

2. The governing body, may if it so desires, with the consent of the founder and the president, elect a Vice-President from among the nominated trustees.

3. The Committee of the trustees shall decide all matters in respect of the Vidyapeeta as far as possible unanimously and in case of difference the President shall decide and decision shall be final in all matters.

4. The power and duties of the President: The president is the supreme authority. He may bring to the notice of the Governing body matters which in his opinion are necessary to achieve the main aims and objects of the Vidyapeeta and take his own decisions.

5. The power and duties of the Vice-President: In the absence of the President, the Vice-President shall preside over all the meetings of the governing body, but shall not take any decision on any account. He shall place all matters discussed in the committee before the President for decision.

6. The power and duties of the Secretary: The Secretary shall look-after the routine work of the Vidyapeeta, prepare and maintain accounts and all matters concerned with the Vidyapeeta and call for the meetings of the Governing body and the General body as per direction and suggestions of the President.

7. The Secretary is allowed to spend Rs.100/- expenditure over this amount shall be incurred only with the consent of the President.

AMENDED BYE-LAW

*3. Name of the Society:
Sri. Jagadgurumurugharajendra Vidyapeetha
Chitradurga*

3. AIMS AND OBJECTS:

a) *To establish educational institution such as Schools, Colleges and other similar educational institutions of various kinds.*

c) *To arrange series of Lectures such as seminars to preach religious and moral principles.*

d) *To provide research facilities and for publication of cultural, religious, social and educational activities.*

e) *To promote fine-arts and other like objects.*

f) *To run and manage the colleges and hostels which are being run in many places, to take over and run other Schools, Colleges, Technical Institutions and other Hostels run by Government of Karnataka/Government of India or any other Government/Institutions Managements subject to the rules and regulations of the Vidyapeetha.*

g) *The Vidyapeetha may take any one or more or all actions indicated here under or any other action for the achievement of above objects to the benefit of all sections of the people irrespective of caste, creed or colour.*

10. *The President of the Vidyapeetha has got power to nominate members to the governing body.*

11. *The governing body may if it so desire with the consent of the President elect a vice president from among the nominated trustees.*

13. *The Power and Duties of the President:*

The President is the supreme authority. He may bring to the notice of the governing body matters which in his opinion are necessary to achieve the main aims and objects of the Vidyapeetha and take decisions accordingly.

15. *The Power and Duties of the Secretary:*

The Secretary shall look after routine work of the Vidyapeetha prepare and maintain accounts and all matters concerned with the Vidyapeetha and call for meeting of Governing Body and General Body.

The Secretary is authorised to approved expenses of Rs. 100/- this amount shall be incurred only with the consent of the President.

18. The founder of the Vidyapeets His Holiness Sriman Maharaja Niranjan Jagadguru Mallikarjuna Murgharajendra Mahaswamiji and the succeeding Jagadgurs of Bruhanmatt, Chitradurga shall be the President of the Governing Body and General Body meeting for life.

iv) To provide research facilities and for publications of cultural religious, social and educational activities.

v) To promote fine-arts, and other like objects

vi) To run and manage the college and hostels which are being run in many places to take over a run other schools, colleges, Technical Institutions and Hostels run by Government of Karnataka, Government of India or any other Government/Institutions/Management subject to the Rules and Regulations of the Vidyapeetha.

vii) To transfer any Educational Institutions partly or wholly in the management of this Vidyapeeth with or without assets and liabilities to any other Management/Trust to run the same.

viii) The trustees may take any one or more or all actions indicated here under or any other actions for the achievement of above objects to the benefit of all sections of the people irrespective of caste. creed or color.

6. NATURE OF THE INSTITUTION:

a) This shall be a public charitable institution having no commercial or profit motive. The properties and income of the institution shall be applied solely towards the promotion of the objects for which this institution is created.

b) The Governing Body, with the consent of the President may nominate 30 persons as Ex-officio members from among the sister Educational Societies and other institutions and well known personalities.

c) the Vidyapeetha may take any one or more or all actions indicated here under or any other action for the achievement of above objects to the benefit of all sections of the people irrespective of caste, creed or color.

21. Thus, from the above material made available on record it can safely be said that the Vidyapeeta, its institutions and assets having been registered under the Societies Act, having its own rules, regulations and byelaws extracted hereinabove, is a self contained institution being governed under the provisions of the Societies Registration Act which is 'a specified law' occupying the field. This aspect of the matter has missed the attention of the learned Single Judge as apparently the same not having been canvassed by the parties though a subtle reference is made in the pleadings in the writ petition.

22. On a query by this Court whether the provisions of Societies Registration Act are being complied more particularly with regard to submitting annual returns, conducting of Annual General Body Meeting etc., learned Senior counsel appearing for Vidyapeeta Sri.Jayakumar S.Patil, responded in the affirmative and on instructions submitted the annual returns of the Vidyapeeta are being

submitted regularly and that the last Annual General Body Meeting was conducted on 01.09.2022.

23. Sri.Udaya Holla, learned Senior counsel appearing in W.A.No.675/2023 for respondent Nos.1 and 2, bringing attention of this Court to Annexure-R-3 produced along with statement of objections filed by respondents 1 and 2 to the W.A.No.785/2023 submits that subsequent to order passed by the learned Single Judge and in pursuance to the direction thereof a meeting was convened on 28.05.2023 at Mahalingaswamy Convention Hall. That in the said meeting which was conducted with the participation of devotees of math, leaders of Lingayath Samaj, leaders of other Samaj, Director, leaders of Basava Kendra & Legislators, it was unanimously decided by the participants that the entire responsibility of the administration of the math and the Vidyapeeta be handed over to Sri.Basavaprabhu Swamy, who has been appointed by Sri.Shivamurthy Murugha Sharanaru Swamiji, the present Peetadhipathi pontiff on 15.10.2022. That it was further resolved to constitute a temporary Administrative Committee consisting of prominent members of the community. Accordingly, a committee consisting of 18

members with the said Sri.Basava Prabhu Swamy as Director, Sri.H.S.Shivashankara as Deputy Director and K.C.Veerendra (papi) as Secretary and the rest of them as members have been appointed as an "Overseeing Committee". That the said committee would function overseeing the administration of the Vidyapeeta by the committee which was constituted in terms of the Rules, Regulations and Byelaws registered under the Societies Act.

24. Sri.Udaya Holla, learned Senior counsel further submitted that in the absence of any allegation of misappropriation, mismanagement or breach of trust, it was not necessary or justified for an appointment of administrator in the first place by the State Government, and now that the said Government Order appointing administrator having been withdrawn the entire exercise including the impugned order passed by the learned Single Judge would be of no avail. That apart in view of committee having been constituted subsequent to the order of learned Single Judge which would work as a overseeing committee, the apprehension of the appellants stands redressed. Thus, he submits there is no requirement of

seeking continuation either of administrator or seeking any recourse under Section 92 of C.P.C.

25. Sri.K.G.Raghavan, learned Senior counsel appearing in W.A.No.785/2023 as well as Sri.Jayakumar S. Patil, learned Senior counsel do not dispute that a committee as per Annexure-R-2 referred to hereinabove is in place. They also do not dispute that in the absence of the pontiff until conclusion of the trial that is being faced by him the interest of the Vidyapeeta and its institution would be taken care by the Overseeing Committee and the committee which is in place in terms of the rules, regulations and byelaws registered under the Society.

26. However, Sri.K.G.Raghavan, learned Senior counsel insisted that though committee has been appointed as above, the Vidyapeet and its institution still remain without any head. He reiterates that the math itself own several immovable properties and they do not come under the provisions of Societies Registration Act as in the case of the Vidyapeeta. Hence, he submits that a necessary arrangement needs to be made in the place of the pontiff till the issue of his trial is resolved.

27. In response, Sri.Jayakumar S. Patil, learned Senior counsel submits that there is no need to appoint any head either for the math or Vidyapeeta inasmuch as 'prabhavi peetadhipathi' has already been appointed who would be functioning under the guidance of the peetadhipathi/matadhipathi. He further submits any such arrangement would amount to enlarging the scope of writ petition which is not permissible and that in any event since a Overseeing Committee has been appointed the same would take care of the Vidyapeeta as well as the math.

28. In the light of the aforesaid submissions made with reference to the Vidyapeeta, its byelaws, rules and regulations and also constitution of "Overseeing Committee" on 28.05.2023 as above it is necessary to note that in terms of rules and regulations of the Vidyapeeta, the management and administration of the Vidyapeeta shall be carried on by governing body of which the Jagadhguru of the Bruhan Math shall be the President, who shall be the supreme authority. Even though in his absence the Vice President is authorised to preside over all meetings of the governing body, in the first place such Vice President needs to be appointed with the permission of the President,

secondly, the Vice President has no authority to take decision on any count and he shall place all matters discussed in the committee before the President for the decision. In other words though committee constituted as per bye-laws registered under Societies Act has all the traits of an organization requiring administration and management of any institution, however, in the instant case the President being the supreme authority and no decision can be taken by anyone except the President. This situation puts the entire issue of administration and management at the hands of the President who is the pontiff presently incarcerated. As rightly taken note of by learned Single Judge that the practical difficulties, the math and the Vidyapeeta have been put to because of the pontiff's continuous judicial custody and his meditate administration through delegates/agencies is a poor solace and the substitute for effective administration and management to say the least, we are also of the considered opinion that though Vidyapeeta has its rules, regulations and byelaws for its effective administration, the President continuous to be the supreme authority and even the Vice President in his absence is not empowered to take any decision. Constitution of "overseeing committee" though

may lend some semblance of credibility with regard to apprehension of devotees of math and other prominent members of the community being taken care yet may not be effective substitute to discharge the functions and duties of "the President" as contemplated under the byelaws. Inasmuch as even in the meeting held on 28.05.2023 there seems to be no change in the position with regard to presidentship, change in the post of President or the appointment of a President has to be in terms of the by-law, Rules and Regulations of the Vidyapeeta. It is for this sole reason and under the unfortunate peculiar situation, also in the interest of vast number of institutions, students, staff and the public at large we deem it appropriate that along with the members of the Overseeing Committee appointed in the meeting dated 28.05.2023 an additional member be included with power to take decisions which were required to be taken by the President.

29. It is necessary at this juncture to note that by order dated 03.07.2023 this Court had directed learned District and Principal Judge, Chitradurga to take charge as administrator of the Math and the Vidyapeeta effective from 11.30 a.m. of 04.07.2023. He was also directed to manage

the affairs relating to day-to-day activities of the Vidyapeeta and Math but not to take any policy decision. The Deputy Commissioner, Chitradurga was directed to render necessary human resource and secretarial assistance to the learned District and Principal Judge in that regard. Now that in view of a Overseeing Committee having been constituted on 28.05.2023 with entire responsibility and administration of math and Vidyapeeta having been handed over to Sri.Basava Prabhu Swamy, this Court is of the opinion that the learned District and Principal Judge shall also continue to oversee the administration and management of math and Vidyapeeta.

30. This requirement is only till a necessary alternate arrangement is made appointing a President in terms of bye-law, Rules and Regulations of the Vidyapeeta who would be capable to taking decisions and carry on with the administrative responsibility of the Vidyapeeta. It is made clear that upon such appointment of the President of the Vidyapeeta, the role of Principal District Judge would come to an end without reference to this Court.

31. Needless to state that in view of the aforesaid admitted position that the Vidyapeeta, its institution and

assets have been subjected to provisions of the Societies Registration Act, 1960 the provisions of the said Act may be invoked if and when the situation warrants for the purpose of management, functions and administration of the Vidyapeeta including for alteration and amendment of the bye-law, Rules and Regulations in accordance with law.

32. This obviates the situation warranting recourse by the State to Article 162 and 31(A) of the Constitution of India as well as recourse to Section 92 of C.P.C. In that view of the matter, the impugned order to the extent directions issued by learned Single Judge to devise a plan for effective administration of the institution or to invoke provisions of Section 92 of C.P.C would not hold significance.

With the above observations, the writ appeals are disposed of.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**