

KACN320036052024



Presented on : 29-08-2024

Registered on : 30-08-2024

Decided on : 05.06.2026

Duration : 01 years, 09 months, 07 days

IN THE COURT OF THE I ADDL. CIVIL JUDGE & JMFC,
AT KOLLEGALA

PRESENT : SRI. M. RANJITH KUMAR B.A,L' L.L.B.
I Addl. Civil Judge & JMFC., Kollegala.

Dated on this the 05th day of June-2026

O.S. NO 274/2024

PLAINTIFF	:	Sri. Shivanna Thambadi, S/o Late Madathambadi @Bharathamada Thambadi, Aged about 34 years, R/at: Thambadageri, M.M.Hills, Ramapur Hobli, Hanuru Taluk, Chamarajanagar District.
		(By Sri. T.M., Advocate)
		-VS-
DEFENDANT	:	The Secretary, M.M.Hills, Temple, Ramapur Hobli, Hanuru Taluk, Chamarajanagar District.
		(By Sri. D.S.R., Advocate)

Date of Institution of the suit	:	29.08.2024		
Nature of the (suit on pronote, suit for declaration and Possession, suit for injunction, etc.	:	Mandatory injunction		
Date of commencement of recording of evidence	:	05.01.2026		
Date of closure of evidence	:	05.01.2026		
Date on which the judgment was pronounced	:	05.06.2026		
Total duration	:	Year/s	Month/s	Day/s
		01	09	07

(M.RANJITH KUMAR)

I Addl.Civil Judge & JMFC.,
Kollegala.

J U D G M E N T

1) The plaintiff has filed present suit for mandatory injunction seeking direction of this court to direct defendant to issue memo for conducting Pooja in adytum at Sri.Malemahadeshwara Temple, situated at M.M Hills, Hanur Taluk, Chamarajanagara District.

2) Brief facts of the case:

It is the case of the plaintiff that, the routine pooja in the Sri.Malemahadeshwara temple coming for one month every three years, belong to Doddapalu group and one Sri.Madatambadi Nagamale, Madatambadi Tolisikere, Je.Na.Du. Madatambadi M.M Hills, Madatambadi @ Bharatha Madatambadi M.M Hills, Aa.Madatambadi and Madatambadi are the members of Doddabalu group and the plaintiff is the son of the Madatambadi @ Bharathamadatambadi and his father has died on 08.01.2012 and subsequent to his death the plaintiff is conducting pooja within adytum in terms of hereditary and custom, but the defendant inspite of giving memo into the name of plaintiff has issued memo in the name of his father and the plaintiff also claims to have submitted requisition to District Commissioner, Chamarajanagara on 06.03.2019 and he also claims to have visited the defendant office on 01.08.2024, 02.08.2024, 03.08.2024, 05.08.2024 and 06.08.2024, but the defendant has not issued memo in

the name of the plaintiff, leading plaintiff to file the present suit.

3) Upon service of summons, the defendant appeared through his counsel, but inspite of grant of sufficient opportunities, has failed to file his written statement.

4) The plaintiff in order to prove his case has got examined himself as PW1 and filed affidavit in lieu of his examination in chief and got marked Ex.P-1 document.

5) Heard learned counsel for plaintiff, perused materials on record. Accordingly, the following are the points for consideration of this court.

- 1. Whether plaintiff proves that, routine pooja in the Sri.Malemahadeshwara temple coming for one month every three years ?*
- 2. Whether plaintiff is entitled for reliefs as sought for?*
- 3. What order or decree ?*

6) For the foregoing reasons this court answers the above points for consideration as hereunder

Point No.1- In the Negative

Point No.2 – In the Negative

Point No.3 – As per final order

REASONS

7) Point No.1 & 2:-

Since point No.1 and 2 are interconnected and in order to avoid repetition of facts and circumstances, point No.1 and 2 are taken together for common discussion.

8) It is the case of the plaintiff for mandatory injunction, seeking direction to defendant to issue memo plaintiff, with respect to routine Pooja within adytum of Sri.Malemahadeswara Temple, coming for Doddapalu group for one month in every three years. The plaintiff in order to establish his claim, has got examined himself as PW-1 and got marked Ex.P-1 document, which is the requisition of plaintiff to District commissioner, dated 06.03.2019.

9) Under the facts and circumstances, before going into the merits of the case, this court feels it necessary to consider maintainability of the suit at the inception. Undisputedly Sri.Malemahadeshwara Temple is the notified institution by Government of Karnataka under ***The Hindu Religious***

Institutions And Charitable Endowments Act, 1997 and Section 68 of the said Act bars jurisdiction of the Civil court from dealing with any question that required to be dealt under the said Act. Section 68 of the Act is hereby culled out hereunder for ready reference:

68. Bar of Jurisdiction.- Save as expressly provided in this Act, no civil Court shall have jurisdiction to decide or deal with any question which is by or under this Act required to be decided or dealt with by an officer or authority under the Act or in respect of which the decision or order of such officer or authority is made final and conclusive.

10) Now the question for consideration would be whether the relief sought under the present suit is the question that requires to be dealt under the Act. As already discussed, the plaintiff is seeking mandatory injunction to direct defendant to issue memo for conducting Pooja within the schedule temple. Though the plaintiff has sought mere direction to issue direction to defendant to issue memo, but from the entire facts and the reliefs sought, it can be observed that, to issue a

direction as sought, it requires to determine whether the plaintiff is entitled to conduct pooja within schedule temple on the basis of Hereditary and in this connection it is necessary to look into Section 25B(6)(iii) of the Act, which reads as follows:

25B. Power of the Deputy Commissioner to settle scheme for the administration of Charitable endowments and to decide certain other disputes.- (1) When the Deputy Commissioner has reason to

believe that in the interest of the proper administration of Charitable endowments or a endowment attached to any notified institution or declared institution, a scheme shall be settled for such endowment or when not less than five persons having interest make an application in writing stating that in the interest of the proper administration of the endowment, a scheme shall be settled for it, the Deputy Commissioner shall on consultation with the Trustee or the Committee of Management or the persons having interest and if, after such consultation he is satisfied that is it necessary or desirable to do so, he shall by order, settle a scheme of administration of such Charitable endowment or endowment.

(2) The scheme settled under this section for the administration of Charitable endowments may include certain provision for,- (i) (ii) (iii) constitution of a body for the purpose of assisting in the administration of such Charitable endowments; the method of selection of members for such committee from the persons having interest in such endowments; defining the powers and duties of the committee;

(3) The Deputy Commissioner may determine the properties of the endowment and the list of such properties shall be appended to the scheme as a schedule. (4) The Deputy Commissioner may at anytime after consulting trustees or committee by order modify or cancel any scheme in respect of an endowment which is in force and settled under sub-section (1) or any scheme in force settled or modified by any courts or any earlier enactments: Provided that such cancellation or modification of a scheme in force settled or modified earlier shall be made only subject to such conditions and restrictions as may be imposed by the Deputy Commissioner.

(5) If the Deputy Commissioner is satisfied that any such scheme referred to in subsection (1) is inconsistent with the provisions of this Act and rules made thereunder he may, at anytime modify it in such a manner as may be necessary to bring it into conformity with the provisions of this Act and rules made there under.

(6) Whenever any question arises as to,-

(i) whether a particular property is the property of a notified institutions or declared institution under the Act; or

(ii) whether any property or money is either a religious endowment or specific endowment; or

(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

(iv) whether any person is entitled by custom or otherwise to any honour, emolument or perquisite in any religious institution; and what is the existing usage of a notified or declared institution; or

(v) whether any institution or endowment is wholly or partly of a religious or of secular character and whether any property or money has been given wholly or partly for religious or secular purpose; or

(vi) where any property or money has been given for the support of an institution which is partly of a religious and partly of a secular character or the performance of any service or charity connected with such an institution or the performance of a charity which is partly of a religious and partly of a secular character or where any property or money given is appropriated partly to religious and partly to secular purposes, as to what portion of such property or money shall be allocated to religious purpose; or

(vii) to accord sanction of dittam and seva list in respect of notified institutions having gross annual income of rupees one lakh and above but below Rupees ten lakhs; or

(viii) any dispute between the servant of a notified institution and the committee of management. –

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

11) From reading Section 25B(6)(iii) of the Act, it can be understood that, the question of whether any archak or servant of the establishment holds office is requires to be dealt by the District commissioner and the plaintiff is the Archak as defined under Section 2(2) of the Act and in the present case it is the very same question, i.e., whether plaintiff holds office in

the schedule temple, if so whether, it requires to direct the defendant to issue memo to the plaintiff is the question for consideration. Thus from combined reading of the Section 25B(6)(iii) and 68 of the Act, it is apparent that, this court does not have jurisdiction to try the present case. Accordingly this court answers **Point No.1 and 2 in the Negative.**

12) Point No.3 :- For the reasons stated above, this court proceeds to pass the following:

:-ORDER:-

The suit of the plaintiff is hereby dismissed with cost.

Draw decree accordingly.

(Dictated to the stenographer, transcribed and typed by him, the same is corrected, signed and then pronounced by me in the open court on this the 05th day of June 2026).

(M.RANJITH KUMAR)
I Addl.Civil Judge & JMFC.,
Kollegala.

ANNEXURE**List of witnesses examined for plaintiff/s:**

PW-1 : Sri. Shivanna Thambadi

List of documents exhibited for plaintiff/s:

Ex.P1 : Requisition of plaintiff to District commissioner,
dated 06.03.2019

List of witnesses examined for defendant/s:

- Nil -

List of documents exhibited for the defendant/s:

- Nil -

(M.RANJITH KUMAR)
I Addl.Civil Judge & JMFC.,
Kollegala.