

KAVP010065782023



**IN THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE,**  
**VIJAYAPURA**

**Present**

**Sri. HAREESHA A.**

B.A., LL.M.

Prl. District and Sessions Judge

Dated 19<sup>th</sup> June, 2026

Civil Misc. No.134/2023

**Petitioner:**

The Gramantar Vidya Vardhak Sangah Babaleshwar,  
Babaleshwar Tq. & Dist. Vijayapura.  
Represented by its General Secretary  
Shree Veeranagouda Nandabasappa Biradar (Babannagol)

Trust bearing Registration No.E-107 (Bijapur)

(By Sri. M.R. Indikar, Advocate)

**Vs.**

**Respondents:**

1. Dr. Gurupad S/o. Ravutappa Tamagond  
Age: 90 years, Occ: Rtd. Medical Officer,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.  
Now at # 73 Adarsh Nagar, 4<sup>th</sup> Cross,  
Hubballi- 580032.
2. Sri. Sangappa S/o. Ravutappa Tamagond,  
Age: 86 years, Occ: Agriculture,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.
3. Sri. Praveen S/o. Sangappa Tamagond,  
Age: 40 years, Occ: Agriculture,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.

4. Sri. Suresh S/o. Sadashivappa Tamagond,  
Age: 65 years, Occ: Advocate,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.
5. Sri. Rajugouda S/o. Sangnagouda Patil,  
Age: 45 years, Occ: Business,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.
6. Sri. Basappa S/o. Arjun Savalagi @ Shanyagol,  
Age: 60 years, Occ: Agriculture,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.
7. Sri. Hanamant S/o. Revanappa Kotyal,  
Age: 55 years, Occ: Agriculture,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.
8. Sri. Laxaman S/o. Shivappa Eti,  
Age: 43 years, Occ: Agriculture,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.
9. Sri. Mallappa S/o. Mahadevappa Kotyal @ Mahuli,  
Age: 40 years, Occ: Agriculture,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.
10. Sri. Sidraya S/. Gurupad Kotyal @ Bangaled,  
Age: 43 years, Occ: Agriculture,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.
11. Sri. Manohar S/o. Basalingappa Jangamshetti,  
Age: 65 years, Occ: Agriculture,  
R/o. Babaleshwar, Tq. & Dist. Vijayapura.

(R.1 Dead)

(By Sri. M.G. Mathapati, Adv. for R.2 to 11)

### **ORDER**

This petition is filed under Sections 3 and 7 of the Charitable and Religious Trust Act, 1920 (hereinafter "CRT Act, 1920"). The reliefs sought in the petition are as follows:

A) The petitioners therefore most humbly pray that the petition filed by above petitioners may kindly be approved/admit by forming an opinion that the Resolution No.4 passed in the Annual General Body Meeting dated 22/11/2022 as legal one by holding that the below mentioned Managing Committee is the lawful Managing Committee of the petitioner Trust The Gramantar Vidya Vardhak Sangh, Babaleshwar, in the interest of justice and equity.

| Sl.No. | Names                                                      | Designation                        |
|--------|------------------------------------------------------------|------------------------------------|
| 1      | Parampujya Shree Dr. Mahadev Shivacharaya Mahaswamigalu    | President                          |
| 2      | Dr. G.R. Tamagond                                          | Vice President                     |
| 3      | Shri A.R. Badachi                                          | Sabhapati<br>/Chairman for<br>M.C. |
| 4      | Dr. Veerappa Malkappa Billur                               | Upa-Sabhapati<br>for MC            |
| 5      | Shri Veeranagouda<br>Nandabasappa Biradar<br>( Babannagol) | General Secretary                  |
| 6      | Shri Devanand Siddappa Alagond                             | Joint Secretary                    |
| 7      | Sri. S.R. Tamagond                                         | Member                             |
| 8      | M.B. Jangamashetti (Bhavikatti)                            | Member                             |
| 9      | Shri Dharmaraj Sangappa Kokare                             | Member                             |
| 10     | Shri S.B. Kannur                                           | Member                             |
| 11     | Shri M.R. Totad                                            | Member                             |
| 12     | Shri S.M. Togari                                           | Member                             |
| 13     | Shri Jaykumar Jinappa<br>Kurandwale                        | Member                             |
| 14     | Dr. Vittal Ramgond Choudari                                | Member for post                    |

(b) Any other advice or suggestion under the given facts and circumstances for promoting the interest of the petitioner Trust, which this Hon'ble Court may deem fit and proper may be given in the interest of justice and equity.

(c) Permission be granted to amend the petition as and when necessary.

2. **The brief facts of the case;**

2.1. The petitioner is a public trust registered in the name and style of Gramantar Vidya Vardhak Sangh, Babaleshwar, established with the object of promoting and advancing education in rural areas. The trust is duly registered under the Bombay Public Trusts Act, 1950, bearing Registration No. E-107 (Bijapur), pursuant to Enquiry No. 314 dated 21.11.1961. The trust has its registered office at Babaleshwar and consists of various categories of members, namely Patrons, Benefactors, Life Members, Ordinary Members, Fellows and Honorary Members. The affairs of the trust are governed by its bye-laws, which provide for two distinct authorities, namely the General Body and the Managing Committee, each vested with separate powers and functions.

2.2. It is the case of the petitioner that the Governing Body, by Resolution No.4 dated 22.11.2022, constituted a new Managing Committee for a term of three years commencing from 2023 and ending in 2026. Under the said resolution, fourteen trustees were

appointed to various offices, including President, Vice-President, Chairman of the Managing Committee, General Secretary, Joint Secretary and Members, as detailed in the list annexed to the petition. The petitioner, therefore, seeks approval and recognition of the said Managing Committee as the lawful and duly constituted Managing Committee of the trust.

3. Pursuant to the citation issued by this Court, the respondents entered appearance through their learned counsel and filed detailed objections challenging, at the threshold, the maintainability of the petition itself. The respondents have disputed the validity of Resolution No.4 dated 22.11.2022 and the constitution of the Managing Committee as set out in the petition. It is specifically contended that, consequent upon the repeal of the Bombay Public Trusts Act, 1950, the present petition is not maintainable under the provisions of the Charitable and Religious Trusts Act, 1920. It is further contended that Clause 5 of the bye-laws, as amended and approved by the General Body in its meeting held on 20.12.1991, enhanced the membership subscription to Rs.5,000/- for Patrons and Rs.1,000/- for Life Members. According to the respondents, only those members who have duly paid the prescribed subscription are entitled to participate in or contest the elections of the trust.

4. The respondents further contend that several persons shown as members of the Managing Committee, including the office

bearers, have failed to comply with the mandatory requirements prescribed under Clause 47(iv) of the bye-laws and, therefore, are ineligible to hold office. It is also contended that serious disputes exist between rival factions claiming control over the administration of the trust. In view of such disputed questions of fact relating to membership, eligibility and validity of the election process, it is argued that this Court, while exercising jurisdiction under Sections 3 and 7 of the Charitable and Religious Trusts Act, 1920, cannot adjudicate upon such controversies or determine the legality of the election and constitution of the Managing Committee. Accordingly, the respondents have sought dismissal of the petition.

5. I have heard the learned counsel appearing for the parties and carefully perused the petition, statement of objections and the material placed on record. Upon such consideration, the following point arises for determination:

- 1) Whether a petition filed under Sections 3 and 7 of the Charitable and Religious Trusts Act, 1920, seeking approval of a Managing Committee and requiring adjudication upon the legality and validity of its election, is maintainable in law?
- 2) What order?

6. My answer to the above points are as under:

Point No.1: In the **Negative**.

Point No.2: As per final order, for the following:

### **REASONS**

7. **Point No.1:** Admittedly, the petitioner is a public trust which was originally registered under the provisions of the Bombay Public Trusts Act, 1950. It is also not in dispute that the said enactment stood repealed upon the coming into force of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997. However, it is evident from the material placed on record that the petitioner-trust has not secured registration under the aforesaid enactment subsequent to the repeal of the Bombay Public Trusts Act. The principal relief sought in the present petition is for approval and recognition of the Managing Committee allegedly constituted pursuant to Resolution No.4 dated 22.11.2022. The question, therefore, is whether such a relief can be granted by this Court while exercising jurisdiction under Sections 3 and 7 of the Charitable and Religious Trusts Act, 1920.

8. The said issue is no longer res integra. The Hon'ble High Court of Karnataka in the case of ***Shri Chandrahas S/o. Ekanath Dhumal & Anr. v. Shri. Rohan Anil Salve & Anr. Writ Petition No.111276/2019 (GM R/C) dated 17.12.2021*** has held thus;

“5. Irrespective of the contentions advanced by the petitioners, one thing is clear that the petition under Section 7 of the CRT Act, 1920 cannot be invoked to seek for approval of any elections. Section 7 of the CRT Act, 1920

essentially enables any Trustee to file a petition to the District Court and request the Court to give advice, opinion or issue a direction in relation to the management or administration of the Trust property.

6. The District Court under Section 7 of the CRT Act, 1920 is not empowered to embark upon any adjudicatory role between two warring factions. It is therefore clear that the order passed by application filed before the District Court under Section 7 of the CRT Act, 1920 was misconceived and the resultant order passed thereon by the District Court cannot also be sustained. As a result, the impugned order passed by the District and Sessions Judge in Miscellaneous Application No.185/2018 is set aside.

7. It is open to the petitioners and the contesting respondents herein to initiate appropriate proceedings before the appropriate forum and seek to establish their rights in respect of the affairs of the Maratha Vidyaprasarak Mandal, Nippani.”

9. The Hon’ble High Court of Karnataka in the case of **Shri. Vanavasi Shri. Ram Mandir Trust Malamaddi Dharwad v. Shri Raghavendra Sondur & Anr.** in **W.P. No.104185/2021 (GM-R/C)** has categorically held that;

“11. Consequentially, the direction that Sri. R.P.Kulkarni was to select or elect the trustees in a democratic manner by prescribing the qualification for appointing Trustees in consultation with of the Senior trustee as well as the well wishers of the trust and thereafter hold election or selection of eighth trustees in the presence of the members of the Trust, is beyond the scope of proceedings under Section 7 of the Trust Act. Similarly, the further direction that election or selection process would have to been done in the presence of Tahasildar, is also beyond the scope of proceedings under Section 7 of the Trust Act.

12. The petitioner-Trust, through Sri. R.P.Kulkarni, who is stated to be the only surviving Trustee is contending that he has the power to appoint trustees to manage the Trust. It is submitted that he had exercised this power of appointing the trustees and if any person is aggrieved by the appointment of this Trustees, they are at liberty to approach the appropriate Forum under the appropriate provision of law and challenge the appointment of trustees.

13. So long as it is not in dispute that there was an existing Trust and Sri. R.P.Kulkarni was the trustee, it is clear that it is only that trustee who would be entitled to

manage the Trust. Obviously, any other person or persons would not have the right to manage the Trust or its property either directly or indirectly. Therefore, if any other committee or body claims that they have a right to manage the Trust, that cannot be accepted and if they are aggrieved of any breach of the trust, they are at liberty to approach the appropriate Forum seeking for redressal of their grievances in relation to the Trust or its management. Until, they obtain an order from the Court in a proceeding that they may initiate, they would have no right to interfere with the administration of the Trust by Sri. R.P.Kulkarni and other trustees that he had appointed.”

10. In the recent decision, the Hon’ble High Court of Karnataka in ***Basavaraj S/o. Yamanappa Kamble v. Shrikant D. Writ Petition No.103199/2024 (GM-R/C) dated 16.09.2025*** has held thus;

“4. This issue is no longer res-integra. This Court vide its order dated 17.11.2021 in WP No.111276/2019 (Shri Chandrahas S/o Ekanath Dhumal and Another vs. Shri. Rohan Anil Salve) and order dated 31.03.2022 in WP No.104185/2021 (Shri. Vanavasi Shri. Ram Mandir Trust vs. Shri. Raghavendra Sondur), has categorically come to a conclusion that the provisions of Sections 3 and 7 Charitable

and Religious Trusts Act, 1920 would apply in the limited prospectus of aid and advice and or seeking for documents or trust and nothing else and there is no power, which is available with the District Court under Sections 3 and 7 for recognition and or appointment of the nine trustees, or the like.”

11. In the case on hand, the petitioner seeks recognition and approval of the Managing Committee allegedly constituted under Resolution No.4 dated 22.11.2022. The respondents, on the other hand, have seriously disputed the validity of the said resolution, the eligibility of the members constituting the committee, and the legality of the process through which the committee was formed. Thus, the dispute essentially relates to competing claims regarding the administration and control of the trust and involves adjudication of disputed questions of fact and rights between rival factions.

12. In view of the authoritative pronouncements of the Hon'ble High Court of Karnataka referred to supra, it is manifestly clear that the jurisdiction of this Court under Sections 3 and 7 of the Charitable and Religious Trusts Act, 1920 is confined to rendering advice, opinion or directions in matters concerning the administration of trust property and does not extend to adjudication of inter se disputes between rival factions claiming management of a trust. Consequently, this Court cannot examine the legality or validity of an

election, determine the lawful constitution of a Managing Committee, affix its seal of approval thereto, or confer recognition upon any such body.

13. Therefore, in the light of the settled legal position and having regard to the nature of relief sought in the present petition, I am of the considered opinion that the petition is not maintainable under Sections 3 and 7 of the Charitable and Religious Trusts Act, 1920. Accordingly, Point No.1 is answered in the **Negative**.

14. **Point No.2:** By considering the above over all reasons, this Court proceed to pass the following;

**O R D E R**

The petition filed by the petitioner under Sections 3 and 7 of the Charitable and Religious Trust Act, 1920 is hereby **rejected**.

(Dictated to the Stenographer Grade-III, transcribed by him, script corrected, signed and then pronounced by me in the open Court, on this the 19<sup>th</sup> day of June, 2026)

**(HAREESHA A.)**

Prl. District and Sessions Judge,  
Vijayapura.