



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 25TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL
WRIT PETITION NO.11067/2018 (GM-CPC)

BETWEEN:

SHIVAIAH
S/O DEVAIAH
AGED ABOUT 61 YEARS
R/AT. MADIHALLI GRAMA AND HOBLI
BELURU TALUK-573101.

...PETITIONER

(BY SRI. HARISH KUMAR M.S. ADV.,)

AND:

1. H.H. KARI GOWDA
S/O LATE HAVALE GOWDA
AGED ABOUT 64 YEARS.
2. H.R. SANNA GOWDA
S/O LATE RANGEGOWDA
AGED ABOUT 46 YEARS.
3. DODDE GOWDA
S/O VEER GOWDA
AGED ABOUT 61 YEARS.

ALL ARE R/AT HALEHAGARE GRAMA
MADIHALLI HOBLI, BELURU TALUK.

4. DEVARAJA
S/O LATE KENCHAYIAHA
MAJOR,
R/O ANGADI GRAMA

Digitally signed
by ARSHIFA
BAHAR
KHANAM

Location: HIGH
COURT OF
KARNATAKA



NC: 2026:KHC:17138
W.P. No.11067/2018

MADHALLI HOBLI
BELURU TALUK.

5. DEVARAJA
S/O HALAVAIAHA
AGED ABOUT 46 YEARS.
6. LOKESHA
S/O MALAYAIAHA
AGED ABOUT 19 YEARS.

BOTH R5 & R6 ARE
R/AT THIRUMALANA HALLI
HALEBIDU HOBLI
BELURU TALUK-573101.

...RESPONDENTS

(V/O/DTD:23.01.2026 R6 IS DEEMED TO BE SERVED
V/O/DTD:21.2.2026, NOTICE TO R4 IS D/W
V/O/DTD:21.2.2026 MEMO FOR DISPENSATION IN RESPECT
OF DECEASED R3 IS ALLOWED
R1, R2, & R5 ARE SERVED AND UNREPRESENTED)

THIS W.P. IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER
DATED 11.8.2017 PASSED BY THE SR.CIVIL JUDGE AND JMFC
BELURU IN M.A.NO.17/2017 AND TO QUASH THE ORDER
DATED 3.7.2017 PASSED BY THE CIVIL JUDGE AND JMFC
BELURU IN O.S.155/2016 AS PER ANNEXURE-A & B
RESPECTIVELY & ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:



CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This writ petition is filed seeking following reliefs:

"a. Issue a writ of Certiorari to quash the order dated 11.08.2017 passed by the Senior Civil Judge and JMFC, Belur in M.A.No.17/2017 and to quash the order dated 03.07.2017 passed by the Civil Judge and JMFC, Belur in O.S.No.155/2016 as per Annexure A and B respectively.

b. Issue any other writ or order or direction as this Hon'ble court deems fit to grant in the facts and circumstances of the case including the award of costs, in the interest of justice and equity."

2. Sri.Harish Kumar M.S., learned counsel for the petitioner submits that respondent No.1 to 3 had filed a suit for injunction against the petitioner and respondent Nos.4 to 6. In the said suit, an application for temporary injunction filed by respondent No.1 which came to be allowed and was subsequently affirmed by the Appellate Court, solely on the ground that the right to perform pooja by the petitioner is based on the order of the Tahsildar dated 10.05.2016, which has been stayed by this Court in WP.No.31550-551/2016 and connected writ petition. It is submitted that this Court disposed of the writ petition filed



by the plaintiffs by setting aside the order of the Tahsildar on the ground that the Tahsildar is not the competent authority. It is further submitted that after setting aside the order of the Tahsildar, the Deputy Commissioner, having taken up the matter, passed an order dated 11.06.2024 holding that Sri.Ontikatthaya Devalaya is not a notified temple under the provisions of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997, (for short 'the Act') and the said order is a changed circumstance and that the petitioner, being the head of hereditary archaks, has an independent right to perform pooja of the said temple. Hence, he seeks liberty to move an application under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 (for short 'CPC') seeking variation of the order of temporary injunction. Accordingly, he seeks to allow the petition.

3. Despite service of notice, there is no representation for the respondents.



4. I have heard the arguments of learned counsel for the petitioner and meticulously perused the material available on record.

5. The material on record indicates that the respondent No.1 to 3 have filed O.S.No.155/2016 against the petitioner and respondent Nos.4 to 6 for permanent injunction. In the said suit, the application filed by the plaintiffs/respondent Nos.1 to 3 under Order XXXIX Rule 1 and 2 of the CPC was allowed, by recording a clear finding that the order of the Tahsildar dated 10.05.2016 was stayed by this Court in WP.No.31550-551/2016 and proceeded to grant temporary injunction. The said order was affirmed by the appellate court in MA.No.17/2017. It is to be noticed that the order of Tahsildar dated 10.05.2016 was subsequently challenged by the plaintiffs in WP.No.31550-551/2016 and connected writ petition and this Court vide order dated 24.01.2019 disposed of the writ petition by setting aside the impugned order on the ground that the authority has no jurisdiction.



6. Learned counsel for the petitioner has also filed a memo dated 26.02.2026 along with a copy of the order dated 11.06.2024 passed by the Deputy Commissioner, Hassan. The said order indicates that Sri.OntiKattaya temple is not a notified temple under the Provisions of the Act. In my considered view, the said order is a change circumstances as the order of the Tahsildar dated 10.05.2016, which formed the basis for grant of temporary injunction, has already been set aside by this Court in the aforesaid writ petitions. Accordingly, I am of the opinion that liberty needs to be granted to the petitioner to seek modification/variation of the temporary injunction order, if he makes out the appropriate ground before the trial Court.

7. For the aforementioned reasons, the petition is ***disposed of***. Liberty is reserved to the petitioner to approach the trial Court by filing an appropriate application seeking variation of the order of temporary injunction on the basis of subsequent events, if law



permits. The trial Court shall consider the same on its own merits, after providing sufficient opportunity to the parties to the suit.

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

ABK
List No.: 1 Sl No.: 16