



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH
DATED THIS THE 30TH DAY OF SEPTEMBER, 2024
BEFORE
THE HON'BLE MR. JUSTICE H.P.SANDESH
WRIT PETITION NO. 105444 OF 2024 (GM-RES)

BETWEEN:

SHRI BASAVAWAR DEVASTHAN JEERNODHAR TRUST,
COMMITTEE, HRUGERI, TQ: RAIBAG, DIST: BELAGAVI,
REPERESNTED BY ITS PRESIDENT,
SHRI MALLIKARJUN SIDLINGAPPA UMARANI,
AGE: 57 YEARS, OCC: PUJEARKI,
R/O. HARUGERI, TQ: RAIBAG, DIST: BELAGAVI-591220.
...PETITIONER

(BY SRI. SANTOSH B. RAWOOT, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
DEPARTMENT OF HINDU RELIGIOUS INSTITUTIONS
AND CHARITABLE ENDOWMENTS,
REPRESENTED BY SECRETARY TO THE DEPARTMENT,
VIDHAN SOUDHA, BENGALURU-01.
2. THE DEPUTY COMMISSIONER,
BELAGAVI, DISTRICT: BELAGAVI-590002.
3. THE ASSISTANT COMMISSIONER,
CHIKODI, DIST: BELAGAVI-591201.
4. THE TAHASILDAR, RAIBAG,
TQ: RAIBAG, DIST: BELAGAVI-591220.

...RESPONDENTS

(BY SRI. PRAVEEN K. UPPAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER WRIT OR DIRECTION, DIRECTING THE RESPONDENT NO.2 TO 4 TO CONSIDERED THE REPRESENTATION/REQUEST MADE BY THE PETITIONER DATED 06/12/2023 VIDE ANNEXURE-D,E,F RESPECTIVELY IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.





THIS WRIT PETITION IS COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE H.P.SANDESH)

1. Learned AGA takes notice for the respondents.
2. Heard the learned counsel for the petitioner and the learned AGA for the respondents.
3. The relief sought in the petition is to issue a writ of mandamus directing respondents No.2 to 4 to consider the representation made by the petitioner dated 04.12.2023 vide Annexures-D, E and F and grant such other reliefs as deems fit in the circumstances of the case.
4. It is the case of the petitioner that Sri Basaveshwara Devasthan Temple situated in Sy.No.2 at Harugeri in Raibag taluk was ancient and established prior to more than 100 years. The Gram Panchayat, Harugeri has passed the resolution dated 27.05.1983 wherein it was resolved that 1 acre of land in R.S.No.2 was required for Sri Basaveshwar Devasthan Temple so as to construct



the temple and for the other religious functions. It is contended that this being the fact, the petitioner and other devotees of the temple made request to respondents No.2 to 4 stating that the temple is old more than 100 years and there was discussion in the Gram Panchayat in respect of the above said land as the said land belongs to the Government and there was a resolution dated 27.09.1983 and the above said land may be given to the petitioner Trust. This being the fact, the petitioner has made several request to grant the above land to their Trust for construction of temple as a final request was made by the petitioner to respondents No.2 to 4 dated 06.12.2023 and in spite of it, no such decision was taken.

5. Learned AGA submits that the resolution relied upon by the petitioner is passed by the Gram Panchayat and the Gram Panchayat is not having any such right to pass any such resolution and admittedly property belongs to the Government and the concerned competent authority has to take decision.



6. Having considered the grounds which have been urged in the petition and also the representations given and also the submission of the AGA, no doubt Annexures-D, E and F are given by the petitioner on 04.12.2023 and respondents to consider the same and pass appropriate order in accordance with law within a time bound period of 2 months from the date of receipt of a copy of this order.

7. Counsel for the petitioner is directed to furnish a copy of this order to the respondents forthwith.

**Sd/-
(H.P.SANDESH)
JUDGE**

SH
CT-MCK
List No.: 1 Sl No.: 35