

IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT GULBARGA

DATED THIS THE 31<sup>ST</sup> DAY OF AUGUST, 2012

BEFORE:

THE HON'BLE MR. JUSTICE A.S.PACHHAPURE

**WRIT PETITION No.83845 OF 2012 (KLR-RR)**

BETWEEN:

Ramayya,  
S/o. Kareappa Pujari,  
Age: about 35 years,  
Occ: Agriculture,  
R/o. Mavinamatti,  
Taluka: Surpur,  
Dist: Yadgir.

... PETITIONER/S

(By Sri. N.Krishnacharya and Sri. Ramachandra K., Advs.)

AND:

1. The State,  
Through its Deputy Commissioner,  
Yadgir-585 202.
2. The Tahasildar,  
Tahasil office,  
Surpur-585 216.
3. The Revenue Inspector,  
Tahasil office,  
Surpur-585 216.
4. The Village Accountant,  
Village Mavinamatti,  
Taluka Surpur-585 216.

... RESPONDENT/S

(By Sri. Sharanabasappa K.Babshetty, HCGP.)

This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to consider the representation dated 13.07.2012 as per Annexure-“B” in respect of the Land Sy. No.66 measuring 21 acres 18 guntas of village Mavinamatti, Taluka Surpur and also the Activities of Sri. Gaddada Raya Devasthana [Temple].

This Writ Petition coming on for Preliminary Hearing this day, the Court made the following:

### **ORDER**

The petition is filed for a direction to the respondents to consider the representation dated 13.07.2012, the copy of which has been produced at Annexure-“B” and for further direction to appoint an administrator for the Management of the Temple and the Land.

2. The petitioner is stated to be a member of Pujari family. There is a land bearing Sy. No.66 measuring 21 acres 18 guntas at Mavinamatti village which is an inam land. The said land belongs to the temple of Sri.Gaddada Raya. Some 10 members of the pujari family applied for grant of occupancy rights vide Order dated 11.08.1984, the copy of which has been produced at Annexure-“A”. The occupancy rights were granted to the said 10 members and out of which 3 members are alive and the rest are said to be dead. The petitioner submits that there is dispute in respect of the land for claiming their shares

and the said suit is not yet decided. It is also the submission of the petitioner that day-to-day activities in the temple are not being done by the grantees. Therefore, he submitted a representation to the respondents and the copy of which has been produced at Annexure-“B” dated 13.07.2012. The petitioner has sought for direction to consider the said representation and to appoint an administrator to look after the land and also the temple.

3. Heard learned counsel for the petitioner and the learned Government Pleader.

4. As stated by the petitioner in para 5 of the petition that 1) Erappa, 2) Jeteappa and 3) Bhimappa are the persons who alive and are the grantees of the said land. They are the persons to whom the occupancy rights have been granted. The said persons are not arrayed as respondents in this petition. Even otherwise, so far as the question of appointment of an administrator to take over the management of the temple, and the land is a matter of evidence and cannot be decided in the present petition. In such circumstances, this Court in the writ jurisdiction under Article 226 of the Constitution cannot consider the question of mismanagement, misappropriation and

misutilisation of the properties of the said temple. The petitioner states that a litigation is pending and it is not yet decided. The petitioner can work out his remedy in the said litigation or he can have recourse to other remedies. Furthermore, the representation dated 13.07.2012 is addressed to the Regional Commissioner and he is not a party to this petition. In such circumstances I do not find any merits in this petition. In the result, the petition fails and it is dismissed.

**Sd/-  
JUDGE**

Ksm\*