



Search



🏠 > Case Status > Case Status

← back

Status: **Pending**

Case Number: **WP 19807/2024**  
(KAHC010414932024)

Classification: **GM RES**

Date of Filing: **19/07/2024**  
17:05:22

Petitioner: **SMT. PRAMODA**  
**DEVI WADIYAR,**

Petitioner Advocate: **MANASI**  
**KUMAR**

Respondent: **THE STATE OF**  
**KARNATAKA**

Respondent Advocate:

Filing No.: **WP 19230/2024**

Judge: **SACHIN SHANKAR**  
**MAGADUM**

Last Posted For:  
**PRONOUNCEMENT OF**  
**INTERIM ORDER AT 2.30 PM**

Last Date of Action: **07/04/2026**

Last Action Taken:  
**ADJOURNED**

Next Hearing Date:

**Daily Orders: WP 19807/2024**

1	<u>07/04/2026</u>	SACHIN SHANKAR MAGADUM	<b>ADJOURNED</b>
---	-------------------	------------------------	------------------

CAV ORDER ON I.A.NOS.2/2026 AND 3/2026

The record of proceedings would unmistakably demonstrate that this Court has, on multiple occasions, consciously intervened and regulated the actions of the respondent–State, particularly insofar as any construction activity at the disputed temple premises is concerned. It would be apposite to advert to the relevant interim orders. This Court, by order dated 15.10.2024, while taking on record the statement of the learned Additional Advocate General, specifically recorded that “pending disposal of this writ petition, neither the movable nor the immovable properties belonging to the temple will be disposed of” and further clarified that any action contemplated under Sections 16 and 17 of the Act, 2024 shall be taken “only with the prior leave of this Court.” The said order clearly imposed a restraint on any unilateral exercise of power by the State affecting the temple property.

Subsequently, when allegations of construction activity surfaced, this Court, by order dated 14.01.2026, recorded the categorical undertaking of the State that “no construction activities, which are of permanent in nature will be done,” and directed that the State shall abide by the said undertaking. The undertaking so given was not merely a statement across the Bar, but a solemn assurance to the Court, binding on the State and its instrumentalities.

Again, on 17.02.2026, this Court reiterated the binding nature of the said undertaking and observed in no uncertain terms that “the State has given an undertaking that no permanent structure will be put up and there must be adherence unless this Court permits otherwise,” further cautioning that any activity contrary to the undertaking would invite strict action.

In the light of the categorical interim orders extracted supra, this Court is of the considered view that the conduct of the respondent–Deputy Commissioner cannot be countenanced. As already noticed, by order dated 15.10.2024, this Court had clearly mandated that any action under the Act, 2024 shall be taken “only with the prior leave of this Court,” thereby restraining the State from unilaterally dealing with the temple property. This was further fortified by the order dated 14.01.2026, wherein the undertaking of the State was recorded to the effect that “no construction activities, which are of permanent in nature will be done,” with a specific direction that the State shall abide by the said undertaking. The said position was once again reiterated by this Court on 17.02.2026 observing that “the State has given an undertaking that no permanent structure will be put up and there must be adherence unless this Court permits otherwise,” and cautioning that any deviation would invite strict action.

In spite of such clear, unequivocal and binding directions, the material on record discloses that construction activity has continued at the disputed site. Such action is not only in the teeth of the interim orders but also in blatant disregard of the solemn undertaking recorded by this Court. Judicial orders cannot be reduced to empty formalities, nor can undertakings given to the Court be permitted to be breached with impunity.

The photographs placed on record by both parties unmistakably indicate that the construction activities undertaken by the respondent–Deputy Commissioner are of considerable magnitude and cannot, by any stretch, be construed as minor or temporary in nature. These visual materials, when read in conjunction with the earlier interim orders of this Court, particularly the directions restraining any action without prior leave and the recorded undertaking that no permanent construction would be undertaken, prima facie establish a clear infraction of the orders passed on more than one occasion. While this Court does not lose sight of the submission on behalf of the State that the object of the project is to utilize the funds for the benefit of devotees and to augment infrastructure around the temple, such intention, however laudable, cannot override or dilute binding judicial directions. In the face of subsisting restraining orders, the respondent–Deputy Commissioner could not have embarked upon construction activities of such scale and permanence. The mere fact that substantial funds have been released by the Union of India under a particular scheme does not confer any licence to proceed in disregard of the orders of this Court, nor can such financial sanction be put forth as a justification to continue or expand the impugned activities at this stage.

As already noticed, by order dated 15.10.2024, this Court had unequivocally mandated that any action under the Act, 2024 shall be taken “only with the prior leave of this Court,” thereby placing a clear embargo on unilateral action by the State in respect of the temple property. This embargo stood further reinforced by the order dated 14.01.2026, wherein the undertaking of the State was recorded to the effect that “no construction activities, which are of permanent in nature will be done,” coupled with a specific direction to abide by the said undertaking, which was again reiterated on 17.02.2026 with a caution that any deviation would invite strict consequences. In the teeth of these binding judicial directions, the contention of the Deputy Commissioner, as sought to be urged in paragraph No.15 of the affidavit, that the undertaking cannot be sustained in view of subsequent developments and release of funds by the Central Government, is not only mischievous but wholly untenable in law. Orders passed by constitutional courts are not advisory in nature but are binding mandates that carry with them an obligation of strict compliance by all instrumentalities of the State. The executive cannot arrogate to itself the discretion to disregard or dilute judicial orders on the pretext of administrative exigencies or subsequent financial allocations. Such a stand strikes at the very foundation of the rule of law and the doctrine of separation of powers, and, if permitted, would render the authority of this Court nugatory. The Deputy Commissioner, being an officer of the State, is duty-bound to act in aid of and in strict conformity with the orders of this Court, and any attempt to justify non-compliance amounts to a clear defiance of judicial authority.

Accordingly, in furtherance of and to enforce the aforesaid interim orders, this Court deems it necessary to issue the following directions:

(i) The respondent–Deputy Commissioner shall forthwith stop all construction activities of whatsoever nature at

the disputed temple premises, without any exception.

(ii) The respondent–Deputy Commissioner is further directed to place on record, within a period of two weeks from today, a detailed affidavit furnishing complete accounts of the expenditure incurred out of the sum of ₹47 crores stated to have been released by the Union of India, including particulars of works undertaken, amounts disbursed, and the present stage of execution.

It is made clear that any further violation of the interim orders of this Court or breach of the undertaking recorded hereinabove shall be viewed with utmost seriousness and would amount to aggravated contempt, warranting initiation of appropriate proceedings against the respondent–Deputy Commissioner in accordance with law.

This Court also takes on record the affidavit filed by the Deputy Commissioner, wherein it is, in substance, acknowledged that the structures executed below the ground are of a permanent nature. Such an admission, prima facie, runs contrary to the binding interim orders passed by this Court on more than one occasion. The implications arising therefrom shall be duly examined at the time of final hearing.

I.A.Nos.2/2026 and 3/2026 are, accordingly, disposed of.

**Last Updated On:** 2026-04-09 15:11:28

2	<u>27/03/2026</u>	SACHIN SHANKAR MAGADUM	<b>ADJOURNED</b>
3	<u>26/03/2026</u>	SACHIN SHANKAR MAGADUM	<b>ADJOURNED</b>
		list on 1.4.2026,	
4	<u>26/03/2026</u>	SACHIN SHANKAR MAGADUM	<b>ADJOURNED</b>
		list on 27.3.2026,	
5	<u>12/03/2026</u>	SACHIN SHANKAR MAGADUM	<b>PARTLY HEARD</b>
		Heard Sri J.Sai Deepak, learned Senior Counsel appearing for the petitioner. Sri Aravind Kamath, learned ASG for Union of India, Sri I.Tharanath Poojary, learned Senior Counsel and Sri Devadas, learned AAG appearing for the respondents. Re-list this matter for further hearing on 26.03.2026.  <b>Last Updated On:</b> 2026-03-13 13:22:08	
6	<u>06/03/2026</u>	SACHIN SHANKAR MAGADUM	<b>ADJOURNED</b>
		, Adjourned.  <b>Last Updated On:</b> 2026-03-25 18:22:32	
7	<u>27/02/2026</u>	B.M.SHYAM PRASAD	<b>ADJOURNED</b>
		Separate pdf uploaded.  <b>Last Updated On:</b> 2026-03-02 11:27:48	
8	<u>17/02/2026</u>	B.M.SHYAM PRASAD	<b>ADJOURNED</b>