



CNR: KAHC010371412025

NC: 2026:KHC:51037-DB
WA No. 919 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT APPEAL NO. 919 OF 2025 (GM-R/C)

BETWEEN:

1. THE PRESIDENT
SHRI VISHNUMURTHY TEMPLE KALENJA
DENTHADKA, BILIYOOR VILLAGE
PERNE POST, BANTWAL TALUK
D.K. DISTRICT- 574 325

...APPELLANT

(BY SRI G. RAVISHANKAR SHASTRY, ADVOCATE)

AND:

1. THE COMMISSIONER
DEPARTMENT OF RELIGIOUS INSTITUTIONS
AND ENDOWMENT FUND
4TH FLOOR, MINTO
SHRI ANJANEYA BHAVAN
AALLOORU VENKATA RAO ROAD
CHAMRAJPET, BENGALURU - 560 018
2. THE DEPUTY COMMISSIONER
DEPARTMENT OF RELIGIOUS
INSTITUTIONS AND ENDOWMENT FUND
D.K., MANGALURU - 575 001
3. THE ASSISTANT COMMISSIONER,
DEPARTMENT OF RELIGIOUS

Digitally
signed by
AMBIKA H B
Location:
High Court
of Karnataka



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INSTITUTIONS AND ENDOWMENT FUND
D.K., MANGALURU - 575 001

4. THE FIRST GRADE SUPERVISOR
MANGALURU - DIVISION
DEPARTMENT OF RELIGIOUS INSTITUTIONS
AND ENDOWMENT FUND
D.K., MANGALURU - 575 001
5. THE TEHSILDAR
BANTWAL TALUK
BANTWAL, D.K. - 574 211
6. SHRI BHARATH KUMAR ARIGA
(HEREDITARY MOKTESAR)
S/O KOTIPANDI
AGED ABOUT 70 YEARS
PATTEGUTTU, PADNUR VILLAGE
PUTTUR TALUK, D.K. - 574 201
7. SHRI AVINASH JAIN
S/O ABHINANDAN JAIN
AGED ABOUT 50 YEARS
5-38, PADMAKUSUMA
PADNUR VILLAGE, PUTTUR TALUK
D.K. DISTRICT - 574 201

...RESPONDENTS

(SRI K.S. HARISH, GOVERNMENT ADVOCATE FOR R-1 TO 5 &
SRI AJAY PRABHU M., ADVOCATE FOR C/R-6 & R-7)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE
ORDER DATED 02/04/2025 PASSED IN W.P. NO.34468/2024 AND
W.P. NO.34468/2024 MAY BE DISMISSED AND THIS WRIT APPEAL
MAY BE ALLOWED WITH COSTS THROUGHOUT & ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



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CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal impugning an order dated 02.04.2025 [**impugned order**] passed by the learned Single Judge in Writ Petition No.34468/2024 (GM-R/C). Respondent Nos. 6 and 7 [**the writ petitioners**] had filed the said petition, impugning the recommendation dated 13.11.2024.

2. The learned Single Judge found that the proceedings regarding mismanagement of Shri Vishnumurthy Temple, Kalenja, situated in Denthadka, Biliyoor Village, Perne Post, Bantwal Taluk [hereafter '**the Temple**'], were initiated without any material. The learned Single Judge also found that the authorities had acted in undue haste as the Trust which was formed for managing the temple in question was constituted 20 days prior to the allegations being leveled. The learned Single Judge observed that the proceedings under Section 42 of the Karnataka Hindu Religious



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Institutions and Charitable Endowments Act, 1997 [hereafter, '**the Act**'] were not *bona fide*.

3. The learned counsel appearing for the appellant contended that the impugned order proceeds on an erroneous premise that the Temple was "a declared institution" under Section 42 of the Act. He submitted that the State Government has not yet issued any such declaration and, thus, the impugned order effectively interdicts the proceedings initiated under Section 43 of the Act.

4. The context in which the present controversy arises is briefly sated hereafter.

5. The writ petitioners claim that they belong to the Jain family and that their forefathers maintained and managed the Temple. They also claim that the Temple was constructed in the 15th Century by their forefathers belonging to *Kalenja Guttu* and *Patte Guttu*. They also claim that, for proper maintenance and management of the temple, the writ petitioners formed a Trust on 27.01.2023, which included family members of other castes in the village. The writ petitioners claim that immediately after the



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formation of the Trust, the First Grade Supervisor (respondent No.4) issued a notice dated 28.02.2023, on the instructions, to the appellant (President of Vishnumurthy Temple) as to why an administrative committee should not be constituted for management of the Temple. The learned Single Judge found fault with the notice, as there was no material to issue it.

6. However, the said notice was preceded by a complaint dated 07.03.2023, which was made by certain devotees to the Assistant Commissioner, alleging that there was potential misuse of the funds which were collected from the devotees. It was stated that in the current term of the management, more than ₹24 lakhs was deposited, with ₹2 lakhs in a permanent puja fund. They claimed that while discussions were being held regarding utilisation of the remaining funds, certain individuals claimed that the land on which the Temple had been built was private and would be administered by a Trust established by their family. The devotees objected to this.

7. It was also reported that the Temple was being managed in a disorganised manner and there was a clear difference of opinion



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between the devotees and the public regarding the Temple's administration. Therefore, a request was made that the Temple be declared as a notified institution under Section 42 of the Act. The said notice was actioned by the Assistant Commissioner and, on his instructions, the First Grade Supervisor (respondent No.4) issued the notice dated 28.02.2023.

8. The writ petitioners objected to the said notice and made a representation opposing the constitution of an administrative committee. Respondent No.4 had considered the said objections and submitted an enquiry report dated 23.03.2023 to the Assistant Commissioner, confirming that the Temple was being managed in a disorganised manner. The report also indicates that he visited the temple in question and interacted with villagers and devotees. In view of this, the First Grade Supervisor recommended that the Temple be considered as "a declared institution" under Section 42 of the Act.

9. On the basis of the said report, the Assistant Commissioner issued a notice dated 03.04.2023 to the devotees and the appellant, calling upon them to show cause why the temple should



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not be declared an institution under Section 42 of the Act. The appellant responded to the said notice on 03.05.2023. Thereafter, on 26.05.2023, the Assistant Commissioner addressed a communication to the Deputy Commissioner to consider notifying the temple in question as a "Notified Institution" under Section 42 of the Act. The recommendation was based on the devotees' request and the report furnished by respondent No. 4.

10. On the basis of the said communication, the Deputy Commissioner addressed a communication to the Commissioner opining that the temple may be considered as a "Declared Institution" under Section 42 of the Act.

11. The learned Government Advocate points out that the said communication referred to a signed petition from 39 devotees and noted the funds sanctioned by the government and collected from the devotees. Thereafter, on 20.10.2023, a show cause notice (incorrectly typed as 20.10.2022) was issued by the Commissioner under Section 43(1) of the Act, calling upon the appellant to respond to the allegation set out in the show cause notice, failing which, it would be presumed that the appellant had no explanation



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to offer and the proceedings would be initiated as per law. A copy of the said show cause notice is not enclosed with the appeal. However, the learned Government Advocate has furnished a copy of the same to this Court along with the list of dates.

12. The appellant filed a reply to the said notice. After considering the appellant's reply, the Commissioner issued a letter dated 05.07.2024 requesting the Deputy Commissioner to hold an enquiry. Thereafter, on 09.08.2024, the Deputy Commissioner, in turn, issued instructions to the Assistant Commissioner to hold an enquiry and furnish a report.

13. The Assistant Commissioner furnished a report dated 29.10.2024, which in turn formed the basis of the Deputy Commissioner's recommendation dated 13.11.2024, which is impugned in the writ petition.

14. The principal question to be addressed is whether the proceedings initiated under Section 43 (1) of the Act were initiated in accordance with the provisions of the Act. We may, at this stage, refer to Section 43 of the Act, which reads as under:



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"43. Notice to show cause.—(1) Where the Commissioner has reason to believe that a Hindu Religious Institution whether or not governed by a settled scheme is being mismanaged and he is satisfied that in the interest of its administration, it is necessary to take proceedings under this chapter, he may, by notice published in the prescribed manner, call upon the Manager and all other persons having interest, to show cause why such institution should not be declared to be subject to the provisions of this Chapter.

(2) Such notice shall state the reasons for the action proposed and specify a reasonable time, not being less than one month from the date of issue of the notice, for showing such cause.

(3) The Manager or any person having interest may thereupon prefer his objections, if any, to the issue of a declaration under this chapter.

(4) Such objections shall be in writing and shall reach the Commissioner before the expiry of the time specified in the notice aforesaid or within such further time not exceeding forty five days on the whole as may be extended by the Commissioner.

(5) Where no objections are received within the time so specified or extended, the State Government may, on receipt of a report from the Commissioner to that effect, by a notification published in the official Gazette declare such Hindu Religious Institution to be subject to the provisions of this Chapter.

(6) Where objections are received within the time so specified or extended, the Commissioner may authorise any officer subordinate to him to hold an enquiry into the objections in the manner prescribed who shall after giving the Manager or any person having interest an opportunity of being heard submit his enquiry report to the Commissioner as to whether or not the Institution should be declared to be subject to the provisions of this Chapter.



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(7) After considering the enquiry report referred to in sub-section (6), if the Commissioner decides that the Institution should be declared as aforesaid, he shall make a report to that effect to the State Government, which may, by notification declare such Hindu religious Institution to be subject to the provisions of this Chapter.

(8) Every Notification issued under sub-section (5) or (7) shall remain in force for such period as may be specified therein and which may be extended further, so however that the total period shall not exceed five years from the date of the first notification, or till a new Committee of Management is formed to the satisfaction of the State Government whichever is earlier.

(9) Where a new Committee is formed to the satisfaction of the State Government, the State Government may on its own or on the report of the Commissioner direct the Executive Officer appointed for the institution to handover the management of the Institution to the new committee of management."

15. A plain reading of Sub-section (1) of Section 43 of the Act indicates that where a Commissioner has reason to believe that a Hindu Religious Institution is being mismanaged and he is satisfied that in the interest of administration, it is necessary to take proceedings for declaring it a notified institution, he would issue a notice published in the prescribed manner calling upon the Manager and other interested persons to show cause why the institution should not be declared as a 'Declared Institution' under Section 42 of the Act. The jurisdictional condition for issuing a



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show cause notice is the existence of reason to believe that the Hindu Religious Institution is being mismanaged.

16. The expression "reason to believe" has been interpreted by the courts in the context of various other statutes, including the Income Tax Act. In **Calcutta Discount Company Limited vs Income-Tax Officer, Companies District & Anr.**¹, the Constitution Bench of the Supreme Court observed that "The expression 'reason to believe' postulates belief and the existence of reasons for that belief". In **Income Tax Officer, I Ward, District VI, Calcutta and Others vs. Lakhmani Mewal Das**², the Supreme Court had, in the context of the Income Tax Act, explained that the "reason to believe" must be based on cogent and relevant material having a nexus with the belief sought to be formed.

17. It is also settled that, while examining the existence of reason to believe, the courts cannot evaluate the sufficiency of the said reasons. Thus, if material is available and it has a nexus with reason to believe, the said condition is satisfied.

¹ 1961(2) SCR 241

² (1976) 3 SCC 757



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18. In the present case, the show cause notice issued under Section 43(1) of the Act indicates the material which supply the reasons to believe. First, it was noticed that the administration of the Temple was managed by the public through a family Trust. The managing committee of the Temple was constituted by persons selected through public meetings with the villagers. However, the said Managing Committee was not officially registered under any department. It is also noticed that the statements of accounts were not being submitted to any department for an official audit. It was found that a family Trust had been registered claiming to be the hereditary administrators of the Temple. However, they submitted no documents to support their claim. Members of the public also opposed the management of the temple under the administration of the Jain family (the family of the writ petitioners). The said show cause notice also indicates that there was a serious difference of opinion between the office bearers. Although there were adequate funds available in the Temple's account, it was found that there was difficulty in managing the daily operational expenses. It was also noted that the boxes for offerings (*kanike hundi*) were placed in the Temple



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with the object of collecting funds from public devotees, and charges were being collected through *seva* receipts. Further, the government had also granted ₹10 lakhs, out of which certain works were executed in the Temple premises. The fact that sufficient funds were collected, yet difficulty was faced in managing daily operational expenses, was a ground for considering that the Temple's affairs were being mismanaged.

19. In the aforesaid context, the appellant was also called upon to furnish the following details:

"Information/Documents to be submitted for the following points:

1. Submit certified copies of the Audit Reports of the said temple for the past 10 years.
2. Submit details/property records/certified copies of registers of all movable (gold, silver, vehicles, etc., all assets) and immovable (land, building, etc., all assets) properties belonging to the said temple.
3. Submit certified copies of Government Grant/Competent Authority orders reserving land for the construction of the said temple.
4. Submit R.R. Numbers of electricity connections of the said temple, its buildings, and others, along with certified copies of electricity bills for over the past one year.
5. Submit documents regarding obtaining prior permission from the Government/Department for the



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constitution of the said Trust, and certified documents regarding the registration of this temple/institution under Section 53 of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997."

20. We may, at this stage, note that the notice under Section 43(1) of the Act is only a preliminary notice and thus, requires the Commissioner to form a final opinion that the affairs of the institution are being mismanaged.

21. In the event that objections are received to the show cause notice issued under Section 43(1) of the Act, by virtue of Section 43(6) of the Act, the Commissioner has the power to authorise any officer subordinate to him to hold an enquiry into the objections in the manner as prescribed after giving the Manager or any person having an interest an opportunity to be heard. The said officer is required to afford the Manager or any person having an interest an opportunity to be heard and thereafter, submit an enquiry report to the Commissioner on whether or not the institution should be declared a 'Declared Institution' under Section 42 of the Act.

22. In view of the scheme of Sections 42 and 43 of the Act, we find no grounds to interfere with the proceedings commenced



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pursuant to the show cause notice dated 20.10.2023. We also note that the writ petitioners had not challenged the said show cause notice. The grievance related to the recommendation dated 13.11.2024 made by the Deputy Commissioner. Undeniably, any opinion on whether the affairs of the Temple have been mismanaged must be based on cogent material. The recommendation was issued after an enquiry and provides reasons for issuing a notice under Section 43(1) of the Act.

23. While we are unable to concur that the proceedings as initiated should be interdicted, we find that the enquiry, as directed by the Commissioner, has not been conducted in accordance with the provisions of the Act. In terms of Sub-section (6) of Section 43 of the Act, the Commissioner may empower any person subordinate to him to hold an enquiry as prescribed. In the present case, the Commissioner had authorised the Deputy Commissioner to conduct an enquiry. However, the Deputy Commissioner did not conduct the enquiry. He in turn had instructed the Assistant Commissioner to conduct the enquiry, which, in our view, was impermissible. It is well settled that the power to authorise any



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official to conduct an enquiry under Sub-section (6) of Section 43 of the Act rests with the Commissioner. After the Commissioner authorised the Deputy Commissioner to do so, the Deputy Commissioner has no further authority to delegate the conduct of the enquiry.

24. In view of the above, we set aside the impugned order and restore the matter to the stage of an enquiry under Section 43(6) of the Act. However, the impugned order insofar as it sets aside the recommendation of the Deputy Commissioner is not interfered with. The Deputy Commissioner shall conduct the enquiry afresh and submit a report to the Commissioner on whether the temple should be declared as an Institution subject to the provisions of Chapter VIII of the Act. The Commissioner has to take a decision after considering the enquiry report as may be furnished on whether the institution should be declared as an institution covered under Chapter VIII of the Act.

25. In the event the Commissioner decides that the institution is required to be declared as covered under Chapter VIII of the Act, the Commissioner is required to make a report to the State



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Government which may declare the Temple as a “Declared Institution” by a notification for such period as may be specified therein.

26. The appeal is allowed in the aforesaid terms.

27. The pending application also stands disposed of.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

AHB
List No.: 2 SI No.: 15