

IN THE SUPREME COURT OF INDIA

CIVIL APPELATE JURISDICTION

I.A. No. OF 2021

IN

SLP (C) No. 24015 OF 2018

IN THE MATTER OF:

RAMACHNADRAPURA MATH ... **PETITIONER**

VERSUS

SRI SAMSTHANA MAHABALESHWARA

DEVARU & ORS. **RESPONDENTS**

AND IN THE MATTER OF:

INDIC COLLECTIVE TRUST APPLICANT/

PROPOSED IMPLEADER

WITH

I.A.No. of 2021

AN APPLICATION FOR INTERVENTION/ IMPLEADMENT

[FOR INDEX PLEASE SEE INSIDE]

ADVOCATE FOR THE APPLICANT: **SUVIDUTT M.S.**
FILED ON: **14.03.2021**

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No. OF 2021

IN

SLP (C) No. 24015 OF 2018**IN THE MATTER OF:**RAMACHNADRAPURA MATH ... **PETITIONER**

VERSUS

SRI SAMSTHANA MAHABALESHWARA

DEVARU & ORS. **RESPONDENTS****AND IN THE MATTER OF:**

INDIC COLLECTIVE TRUST,

THROUGH ITS AUTHORISED SIGNATORY,

5E, BHARAT GANGA APARTMENTS,

MAHALAKSHMI NAGAR,

4TH CROSS STREET, ADAMBAKKAM,

CHENNAI – 600 088 TAMIL NADU

APPLICANT/**PROPOSED IMPLADER****AN APPLICATION FOR INTERVENTION/ IMPLEADMENT OF****THE APPLICANT AS PARTY RESPONDENT**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF THE
SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF
THE APPLICANTS ABOVE NAMED

MOST RESPECTFULLY SHOWEH:

1. The present Application seeks impleadment of the Applicant, namely the Indic Collective Trust, in the above mentioned Petition for Special Leave to Appeal.
2. This Hon'ble Court on last date of hearing dated 09.03.2021 had adjourned the above-mentioned matter to 16.03.2021. A true copy of the said order dated 09.03.2021 is produced herewith and marked as **ANNEXURE – I 1**
3. The Applicant herein is a registered trust under the Indian Trusts Act, 1882 with its registered office at 5E, Bharat Ganga Apartments, Mahalakshmi Nagar, 4th Cross Street, Adambakkam, Chennai – 600 088. The Applicant is a collective of activists, intellectuals and civil liberties campaigners who are committed to the advocacy of Indic civil liberties through Constitutional and democratic means.
4. The Applicant, as an organization, and its Trustees have been campaigning for better management of Indic (including Hindu) religious institutions through community empowerment in the management of the said institutions in accordance with Articles 25

and 26 of the Constitution. To this end, the Applicant has filed Writ Petitions and Intervention Petitions before various High Courts and before this Hon'ble Court in matters relating to administration and maintenance of Hindu religious institutions, which includes the Sabarimala Temple issue, that has been referred to a Bench of nine Judges of this Hon'ble Court. Further, the Trustees of the Applicant include followers of Indic faith systems including Hinduism and its diverse traditions. Therefore, any orders which may be passed by this Hon'ble Court modifying the *status quo* directed by this Court *vide* Order dated 07.09.2018, and further reiterated on 03.10.2018 are bound to have a bearing on the rights of the Trustees as well as the Hindu community at large. Consequently, the Applicant has the necessary locus standi. A true copy of the order dated 07.09.2018 in SLP (C) No.24015/ 2018 is produced herewith and marked as **ANNEXURE – I 2**. A true copy of the order dated 03.10.2018 in SLP (C) No.24015/ 2018 is produced herewith and marked as **ANNEXURE – I 3**.

5. The Applicant understands that the instant batch of Special Leave Petitions (SLPs) have been filed before this Hon'ble Court challenging the Judgement of the High Court of Karnataka at Bengaluru dated August 10, 2018 in WP No. 30609/2018, WP No. 11734/2008, WP No. 12612/2008, WP No. 14097/2008, WP No. 31026/2008 and WP No. 60096/2010. The Hon'ble High Court in

its impugned Judgement arising out of the said batch of matters quashed the Government Order dated 12.08.2008 deleting the Gokarna Temple from the List of Notified Institution as per Section 23 of the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 (hereinafter referred to as the "Act"). The aforementioned proceedings have a far-reaching impact on the management of Hindu Religious Institutions and consequently on their fundamental rights under Article 26 and the rights of Indic communities under Article 25 of the Constitution of India. In light of this, the Applicant humbly seeks to assist this Hon'ble Court on the said issue in respect of management of Hindu religious institutions based on the work it has undertaken in this regard thus far and the material it has collected on the issue of management of Hindu religious institutions. A true copy of the said GO bearing RD 56 RCB 2008, Bangalore dated 12.08.2008 is produced and marked as **ANNEXURE – I 4**.

6. The Applicant further submits that the Hon'ble High Court of Karnataka *vide* its Judgement dated September 08, 2006, in W.A. No. 3440 of 2005, struck down the 1997 Act along with all the notifications made thereunder. The said Judgement of the Hon'ble High Court is currently under challenge by the State of Karnataka before this Hon'ble Apex Court as C.A. No. 5924/2008. It is

notable that the operation of the said Judgement of the High Court was stayed by the Apex Court *vide* its Order dated April 2, 2007.

7. The Applicant Humbly submits that since the impugned Government Order dated 12.08.2008 in the instant proceedings was issued by the authorities under the various provisions of the 1997 Act validity of which is under challenge before this Hon'ble Court in a parallel proceeding [C.A. No. 5924/2008], any modification of the *status quo* directed by this Court *vide* orders dated 07.09.2018 and 10.10.2018, or any order(s)/direction(s) that may be passed by this Hon'ble Court, run the risk of becoming infructuous or nullity. same. Hence, in the interest of just, fair and complete adjudication of contesting rights in the instant matter, the Apex Court may be pleased to not disturb the *status quo* maintained, till the Constitutionality of the 1997 Act attains finality.
8. The Applicant also wishes to bring to this Hon'ble Court's attention the pendency of W.P. (C) No. 476/2012 wherein the constitutionality of the Hindu Religious and Charitable Endowment (HRCE) Acts of the States of Tamil Nadu, Andhra Pradesh and Puducherry have been challenged. The pendency of the said Petition is relevant to present and the above-mentioned parallel proceedings w.r.t. validity of the 1997 Act, since both Petitions relate to the fundamental rights of religious denominations to

manage their religious institutions under Article 26 and the limits on the power of any arm of the State to interfere, regulate or restrict such rights in any manner. In fact, given the nature of the directions passed by this Hon'ble Court in the present Petition, the issues raised in W.P. (C) No. 476/2012 assume greater importance and therefore the said issues merit comprehensive adjudication. Further, given the nature of the issues, it is imperative for the state Government (Respondent No. 4) to undertake a consultative process with the religious denominations of the Hindu community so that the community, as a legitimate stakeholder whose rights are bound to be affected by the outcome of the Petition, can weigh in on the issues. Simply stated, the process must be democratic, participatory and consultative instead of following a top-down approach. To this end, the Respondent No. 4 will be better informed and this Hon'ble Court is bound to receive greater assistance if the Law Commission of India were to be directed to prepare a report, based on consultation with the community, on the amendments required to the HRCE legislations in force in several States so as (a) to empower community management structures as envisaged by Article 26, (b) to further the ends of transparency, accountability and social justice in the management of the religious institutions, and (c) to deter the growing and disturbing trend of arrogation of control of religious

institutions by State Governments under the garb of better management or tackling mischief and mismanagement, thereby violating all canons of secularism.

9. With respect to the rights of religious denominations under Article 26 and the limitations on the State's power to interfere with them, the Applicant places reliance on the following landmark judgements of this Hon'ble Court:

a) *The Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha swamiar of Sri Shirur Mutt.*, 1954 SCR 1005

b) *Sri Venkataramana Devaru & Ors. v. The State of Mysore & Ors.*, 1958 AIR 255

c) *S.P. Mittal v. Union of India & Ors.*, 1983 (1) SCC 51

d) *Ratilal Panachand Gandhi v. The State of Bombay & Ors.*, 1954 AIR 388, 1954 SCR 1035

e) *Pannalal Bansilal Pitti & Ors. v. State of A.P. & Anr.*, (1996) 2 SCC 498

f) *State of Rajasthan & Ors. v. Sajjanlal Panjawat & Ors.*, 1974 (1) SCC 500

g) *Riju Prasad Sarma & Ors. v. State of Assam & Ors.*, (2015) 9 SCC 461

h) *Dr. Subramanian Swamy v. State of Tamil Nadu and Ors.*, AIR 2015 SC 460

i) Sri La Sri Subramania Desiga Gnanasambanda Pandara Sannadhi v. State of Madras, 1965 AIR 1683.

The sum and substance of the *ratio* of the said judgements is summarized as follows:

- i. The rights of religious institutions recognized under Article 26 are indeed fundamental in nature. The scope of the said rights extends to secular and religious aspects of the administration of religious institutions of religious denominations;
- ii. The fundamental rights under Article 26 may be interfered with by the State through legislation only to the extent envisaged under Article 25(2). In particular, the scope of Statist intervention under Article 25(2)(a) is limited only to regulation or restriction of secular activities which may be associated with religious practice. "Regulation" or "restriction" cannot translate to supersession or takeover of the secular aspects of administration by the State and such intervention must be time-bound and for the sole object of addressing mischief/mismanagement;
- iii. Such "regulation/restriction" cannot extend to the religious aspects of the administration or affect the

secular aspects in a way that it interferes with religious aspects of administration;

iv. The denominational nature of a religious institution is not undermined or diluted by the fact that the institution is open to being visited by members of other denominations;

v. The denominational nature of the institution's administration cannot be undermined under the garb of regulation/restriction of secular activities.

10. Given these clear positions laid down by this Hon'ble Court, it is imperative that the Respondent No. 4 is directed to engage the Law Commission of India to undertake a country-wide State-by-State consultative process, which can ultimately lead to the promulgation of a model Central legislation for States to adopt and emulate. This is permissible in view of the fact that charities, charitable institutions, charitable and religious endowments and religious institutions fall under Entry 28 of the Concurrent List. Promulgation of such a model legislation based on stakeholder inputs will go a long way in reducing the volume of Temple-based litigation which ring disrepute to such religious institutions and pit the State and religious institutions against each other.

11. It is humbly submitted that in addition to rights under Articles 25 and 26, the manner in which a religious institution of a religious

denomination is managed also has a bearing on cultural rights under Article 29. The said Article recognizes and guarantees the right of any section of citizens residing in the territory of India or any part thereof to conserve their distinct language, script or culture. Every religious denomination has its own traditions, rites, rituals and festivities which have traditionally received the patronage of the religious denomination through the religious institution. Therefore, any attempt, directly or indirectly, by any arm of the State to take over the secular aspects of the administration of a religious institution is bound to have a bearing on non-secular/religious aspects as well since the performance of non-secular functions or discharge of non-secular duties is inextricably intertwined with access to and control over the secular aspects of administration such as administration and maintenance of the assets and properties of the religious institution. Therefore, it is evident that striking a distinction between secular and non-secular aspects of administration is not only academic but also facilitates the creation of a façade which allows the State to control religious aspects of administration by claiming to control merely the secular aspects of the administration. Simply stated, when it comes to religious institutions, the line that separates the secular aspects from the non-secular is blurred and therefore, the State must necessarily observe extreme caution in interfering with the

administration of religious institutions lest it entrenches itself in the religious institution inadvertently or by design.

12. It is humbly reiterated that since the Applicant and its Trustees have been working on these issues for a significant period, the Applicant humbly prays that this Hon'ble Court may allow the Applicant herein to make oral and written submissions for proper adjudication of the issues which arise for consideration in the instant Proceedings.
13. This Application has been made *bona fide* and in the interests of justice.
14. The Applicants humbly seek the permission of this Hon'ble Court to present the above submissions, in addition to other material, should the Court proceed to pass directions with respect to hate speech and content regulation.

PRAYER

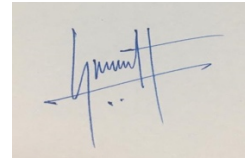
It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to:

- i. Implead the Applicant organisation as a Party Respondents in the above-mentioned Special Leave Petition;
- ii. Pass any other order (s) as may be deemed fit in the facts and circumstances of this case.

AND YOUR APPLICANT, AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

FILED BY:

A rectangular box containing a handwritten signature in blue ink. The signature is stylized and appears to be 'Suvidutt M.S.'.

J. SAI DEEPAK

SUVIDUTT M.S.

ADVOCATE

ADVOCATE FOR APPLICANT

Drawn on: 12.03.2021

Filed on: 14.03.2021

New Delhi

IN THE SUPREME COURT OF INDIA
CIVIL APPELATE JURISDICTION
S.L.P. (C) No. 24015 OF 2018

IN THE MATTER OF:

RAMACHNADRAPURA MATH

...

PETITIONER

VERSUS

SRI SAMSTHANA MAHABALESHWARA

DEVARU & ORS.

....

RESPONDENTS

AFFIDAVIT

I, Aravindalochanan G., S/O Govindan R.K., aged 23 years, resident of 5 E, Bharat Ganga Apartments, Mahalakshmi Nagar, 4th Cross St, Adambakkam, Chennai – 88 is the Managing Trustee of the registered trust named Indic Collective, presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am the Applicant in the present Application and being well conversant with the facts and circumstances of the present case am competent to swear this affidavit on behalf of the Trust.
2. That I have read over the accompanying Application from Paras 1 to 14 (pages 1 to 12), and I have understood the contents therein which are true to my knowledge.
3. That the Annexure – I 1 to I 4 are the true copy of its original.



DEPONENT

VERIFICATION

Verified this on this 13th day of March, 2021, at New Delhi that the contents of the above Affidavit from para 1 to 2 are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.



DEPONENT

IN THE SUPREME COURT OF INDIA

CIVIL APPELATE JURISDICTION

I A. NO. ___ OF 2021

IN

SLP (C) No. 24015 OF 2018**IN THE MATTER OF:**RAMACHNADRAPURA MATH ... **PETITIONER**

VERSUS

SRI SAMSTHANA MAHABALESHWARA

DEVARU & ORS. **RESPONDENTS****AND IN THE MATTER OF:**INDIC COLLECTIVE TRUST **APPLICANT/****PROPOSED IMPLADER****APPLICATION FROM EXEMPTION FROM FILING****NOTARIZED AFFIDAVIT**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA

AND HIS COMPANION JUSTICES OF THE

SUPREME COURT OF INDIA

THE HUMBLE APPLICATION OF
THE APPLICANTS ABOVE NAMED**MOST RESPECTFULLY SHOWEH:**

1. It is humbly submitted that the Applicant organization namely Indic Collective Trust is not in a position to get the Affidavit notarized in IA filed in the SLP (C) No. 24015/2018 owing to COVID-19 pandemic spread.
2. That in the interest of justice present IA may be entertained without filing notarized affidavit.

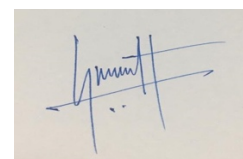
PRAYER

It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to:

- iii. Exempt the Applicant organisation from filing notarized affidavit in the above-mentioned IA;
- iv. Pass any other order (s) as may be deemed fit in the facts and circumstances of this case.

AND YOUR APPLICANT, AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY:



SUVIDUTT M.S.

ADVOCATE FOR APPLICANT

Drawn on: 12.03.2021

Filed on: 14.03.2021

IN THE SUPREME COURT OF INDIA

CIVIL APPELATE JURISDICTION

S.L.P. (C) No. 24015 OF 2018

IN THE MATTER OF:

RAMACHNADRAPURA MATH

...

PETITIONER

VERSUS

SRI SAMSTHANA MAHABALESHWARA

DEVARU & ORS.

....

RESPONDENTS**AFFIDAVIT**

I, Aravindalochanan G., S/O Govindan R.K., aged 23 years, resident of 5 E, Bharat Ganga Apartments, Mahalakshmi Nagar, 4th Cross St, Adambakkam, Chennai – 88 is the Managing Trustee of the registered trust named Indic Collective, presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That I am the Applicant in the present Application and being well conversant with the facts and circumstances of the present case am competent to swear this affidavit;
2. That I have read over the accompanying Application and I have understood the contents therein which are true to my knowledge.

DEPONENT**VERIFICATION**

Verified this on this 13th day of March 2021, at New Delhi that the contents of the above Affidavit from para 1 to 2 are true and correct to the best of my knowledge, no part of it is false and nothing material has been concealed there from.

DEPONENT

ITEM NO.10 Court 1 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal(C)No(s). 24015-24020/2018 (Arising out of impugned final judgment and order dated 10-08-2018 in WP No. 30609/2008 10-08-2018 in WP No. 11734/2008 10-08-2018 in WP No. 12612/2008 10-08-2018 in WP No. 14097/2008 10-08-2018 in WP No. 31026/2008 10-08-2018 in WP No. 60096/2010 passed by the High Court Of Karnataka At Bengaluru)

RAMACHNADRAPURA MATH

Petitioner(s)

VERSUS

SRI SAMSTHANA MAHABALESHWARA DEVARU & ORS.

Respondent(s)

(IA No. 157049/2018 - CLARIFICATION/DIRECTION

IA No. 171490/2018 - CLARIFICATION/DIRECTION

IA No. 157050/2018 - EXEMPTION FROM FILING O.T.

IA No. 127702/2018 - EXEMPTION FROM FILING O.T.

IA No. 125647/2018 - EXEMPTION FROM FILING O.T.

IA No. 170674/2018 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES IA No. 127700/2018 - PERMISSION TO FILE

ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 125648/2018 -

PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP(C) No. 24321/2018 (IV-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA

127986/2018 FOR EXEMPTION FROM FILING O.T. ON IA 127987/2018

FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 127988/2018

FOR CLARIFICATION/DIRECTION ON IA 138468/2018

FOR EXEMPTION FROM FILING O.T. ON IA 138470/201800)

Date : 09-03-2021 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)
In SC 24015-20/18

Dr. Abhishek Manu Singhvi, Sr.Adv.

Mr. Atmaram Nadkarni, Sr, Adv.

Mr. Abhimanyu Bhandari, Adv.

Mr. Ejaz Maqbool, Adv.

Mr. Shailesh Madiyal, Adv.

Ms. Roohina Dua, Adv.

Mr. Cheitanya Madan, Adv.

Ms. Akriti Chaubey, Adv.

In SC 24321/18

Mr. Basava Prabhu Patil, Sr. Adv.

Mr. Pai Amit, Adv.
Mr. Saurabh Agrawal, Adv.
Ms. Komal Mundhra, Adv.
Mr. Rahat Bansal, Adv.
Ms. Pankhuri Bhardwaj, Adv.
Mr. Geet Rajan Ahuja, Adv.
Mr. Goutham Shivshankar, AOR

For Respondent(s) Mr. S.S. Nagananda, Sr. Adv.
Mr. Arjun Rao, Adv.
Ms. Maitreyi Bhat, Adv.
Mr. Lyssa Brito, Adv.
Mr. Mayank Pandey, AOR

Mr. Ranjit Kumar, Sr. Adv.
Mr. Nikhil Jain, ASG
Mr. Ashish Yadav, Adv.
Mr. Rakshit Jain, Adv.
Mr. Vishal Banshal, Adv.
Mr. Shubhranshu Padhi, AOR

Ms. K. V. Bharathi Upadhyaya, AOR

Mr. R. Basant, Sr. Adv.
Mr. Rishabh Bansal, Adv.
Ms. Anannya Ghosh, AOR

For Karnataka Mr. Nikhil Goel, Adv.

UPON hearing the counsel the Court made the following
O R D E R

List the matters on Tuesday i.e. 16th March, 2021.

(MADHU BALA)
AR-CUM-PS

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR

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ITEM NO.20

COURT NO.1

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).24015-24020/2018

(Arising out of impugned final judgment and order dated 10-08-2018 in WP No.30609/2008 10-08-2018 in WP No.11734/2008 10-08-2018 in WP No.12612/2008 10-08-2018 in WP No.14097/2008 10-08-2018 in WP No.31026/2008 10-08-2018 in WP No.60096/2010 passed by the High Court of Karnataka at Bengaluru)

RAMACHNADRAPURA MATH

Petitioner(s)

VERSUS

SRI SAMSTHANA MAHABALESHWARA DEVARU & ORS.

Respondent(s)

IA No.127702/2018 - Exemption from filing O.T.

IA No.125647/2018 - Exemption from filing O.T.

IA No.127700/2018 - Permission to file additional documents/facts

IA No.125648/2018 - Permission to file lengthy list of dates

WITH

SLP(C) No.24321/2018 (IV-A)

(FOR

FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 127986/2018

FOR EXEMPTION FROM FILING O.T. ON IA 127987/2018

FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 127988/2018)

IA No.127986/2018 - Exemption from filing c/c of the impugned judgment

Date : 07-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s)

Mr.Harish N.Salve, Sr.Adv.

Mr.Tushar Mehta, ASG

Mr.K.V.Viswanathan, Sr.Adv.

Mr.Abhimanyu Bhandari, Adv.

Mr.Ejaz Maqbool, AOR

Mr.Ganpati Hegde, Adv.

Mr.Shailesh Madiyal, Adv.

Mr.Manmohan P.N., Adv.

Mr.Aruna Shyam M., Adv.

Mr.Mrigank Prabhakar, Adv.

Mr.Sudhanshu Prakash, Adv.

Ms.Natasha Garg, Adv.

Ms.Roohina Dua, Adv.

Ms.Akriti Chaubey, Adv.
Ms.Quarratulain, Adv.
Ms.Tanya Shree, Adv.
Mr.Kunwar Aditya Singh, Adv.

Mr.Basava Prabhu S.Patil, Sr.Adv.
Mr.Goutham Shivshankar, AOR
Ms.Komal Mundhra, Adv.
Mr.Saurabh Agrawal, Adv.

For Respondent(s) Mr.Shyam Divan, Sr.Adv.
Mr.S.S.Naganand, Sr.Adv.
Mr.Arjun Rao, Adv.
Mr.Mayank Pandey, AOR
Mrs.Maitreyi Bhat, Adv.
Mr.Rishab Bansal, Adv.
Mr.Vamshi Rao, Adv.

Mr.Joseph Aristotle S., Adv.
Mrs.Priya Aristotle, Adv.
Mr.Shiva P., Adv.
Ms.Aruna Hannah Dutta, Adv.

Ms. K. V. Bharathi Upadhyaya, AOR

UPON hearing the counsel the Court made the following
O R D E R

Issue notice, fixing a returnable date within eight weeks.

The interim order passed by the High Court on 10.08.2018 after pronouncement of the final judgment shall continue, in the meantime.

(Chetan Kumar)
AR-cum-PS

(H.S.Parasher)
Assistant Registrar

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ITEM NO.17

COURT NO.3

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 24015-24020/2018

(Arising out of impugned final judgment and order dated 10-08-2018 in WP No. 30609/2008 10-08-2018 in WP No. 11734/2008 10-08-2018 in WP No. 12612/2008 10-08-2018 in WP No. 14097/2008 10-08-2018 in WP No. 31026/2008 10-08-2018 in WP No. 60096/2010 passed by the High Court Of Karnataka At Bengaluru)

RAMACHNADRAPURA MUTH ETC.

Petitioner(s)

VERSUS

SRI SAMSTHANA MAHABALESHWARA DEVARU & ORS.

Respondent(s)

WITH

CONMT.PET.(C) No. 1768-1773/2018 in SLP(C) No. 24015-24020/2018
(IV-A)
(FOR ADMISSION)

SLP(C) No. 24321/2018 (IV-A)
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA
127986/2018)

(FOR EXEMPTION FROM FILING O.T. ON IA 127987/2018
FOR PERMISSION TO FILE LENGTHY LIST OF DATES ON IA 127988/2018)

Date : 03-10-2018 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s)

Mr. Tushar Mehta, ASG
Mr. Kapil Sibal, Sr. Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Ejaz Maqbool, AOR
Mr. Ganpati Hegde, Adv.
Mr. Shailesh Madiyal, Adv.
Mr. Manmohan P.N., Adv.
Mr. Aruna Shyam M., Adv.
Mr. Mrigank Prabhakar, Adv.
Mr. Sudhanshu Prakash, Adv.
Ms. Natasha Garg, Adv.
Ms. Roohina Dua, Adv.
Ms. Akriti Chaubey, Adv.
Ms. Qurratulain, Adv.
Ms. Tanya Shree, Adv.

Mr. Kunwar Aditya Singh, Adv.

Mr. Basava Prabhu Patil, Sr. Adv.

Mr. Saurabh Agrawal, Adv.

Ms. Komal Mundhra, Adv.

Mr. Goutham Shivshankar, AOR

For Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.

Mr. Joseph Aristotle S., Adv.

Mrs. Priya Aristotle, Adv.

Mr. Shiva P., Adv.

Ms. Aruna Hannah Dutta, Adv.

Mr. Mukul Rohatgi, Sr. Adv.

Mr. R. Basant, Sr. Adv.

Mr. S. S. Naganand, Sr. Adv.

Mr. Arjun Rao, Adv.

Mr. Rishab Bansal, Adv.

Mr. Mayank Pandey, Adv.

Mr. Vanshi Rao, Adv.

Ms. K. V. Bharathi Upadhyaya, AOR

Mr. Mayank Pandey, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A.No. 136256 of 2018

On 07.09.2018, while issuing notice fixing a returnable date within eight weeks, this Court passed the following order :-

"....The interim order passed by the High Court on 10.08.2018 after pronouncement of the final Judgment shall continue, in the meantime."

Obviously, this Court intended the status quo obtaining as on that date to continue until further orders. However, it appears that on account of a direction contained in the Judgment at Paragraph 186, the constitution of the Overseeing Committee was kept in abeyance only till 10.09.2018 and hence, the Government has taken steps to constitute the Committee.

Accordingly, some steps have been taken in that regard by order dated 18.09.2018 directing the Deputy Commissioner to take charge of the affairs of the temple. Since we have clarified that this Court actually intended in the order dated 07.09.2018 that the parties should maintain status quo as on that date i.e. 07.09.2018 forthwith. The order dated 18.09.2018 passed by the Government will stand recalled.

For all purposes, the status quo obtaining as on 07.09.2018 shall be maintained by the parties until further orders.

In view of the above, the interlocutory application is disposed of.

CONMT.PET.(C) No. 1768-1773/2018 in SLP(C) No. 24015-24020/2018

In view of the order passed in I.A.No. 136256 of 2018 above, we do not find that there is any need to continue the contempt petition, which is, accordingly, dismissed.

Let the matter be listed on the returnable date as per the notice already issued on 07.09.2018.

The petitioners are directed to take Dasti notice in addition.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

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Proceedings of the Government of Karnataka

Sub:- Excluding Sri Mahabaleshwara Temple, Gokarna Kumta Taluk, North Canara District from the list of notified institutions and handing over to the Peetadhipathi of Sri Ramachandrapura Math.

Ref:-1. Government Notification bearing No. RD 77 MET 2003, dated 30.04.2003.

2. Religious Endowment Commissioner's letter bearing No. Uniform Legislation/CR/45/07-08. dated 14.05.2008 and 21.06.2008.

Under the Notification at reference No.1, 34,245 temples in the State have been published as notified institutions by the Government.

In his representation, dated 01.02.2008 the President of Sri Kshetra Gokarna Upadhivantha Mandala has requested for handing over the Sri Mahabaleshwara Temple and temples of its minor Gods. Gokarna, Kumta Taluk, North Canara District to Sri Ramachandrapura Matha for administering the affairs of the temple in accordance with the age old traditions and under the guidance of the Peetadhipathi of Sri Ramachandrapura Matha as also for the overall development of Sri Kshetra; and the Administrator of Sri Ramachandrapura Matha in his representations, dated 12.04.2008 and 08.05.2008 has requested for complete handing over of the Management and administration of the said temples to the Math and thereby enable the Math to work for the overall development of Sri Kshetra Gokarana.

The Religious Endowment Commissioner has sent a proposal to the Government in this regard after obtaining reports from the Tahasildar, Kumta, the Assistant Commissioner, Kumta and the Deputy Commissioner, North Canara.

It is seen that this temple being situated in North Canara District and the administration of the temples in this area was being regulated under Bombay Public Trusts Act, 1950 and as the registration under the said Act was compulsory for all the temples, even Sri Mahabaleshwara Temple was registered under the said Act. After the coming into force of Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 with effect from 01.05.2003 as required under Section 23(a) of the said Act all such institutions registered under the earlier Act including Sri Mahabaleshwara Temple has been included in the list of notified institutions.

But, according to Section 1(4)(i) the said Act does not apply to a Math or a temple attached thereto. In the background of the request the Gokarna Sri Mahabaleshwara Temple is an institution which was earlier under the administration of Sri Ramachandrapura Math, the opinion of the Advocate General of the State was sought as to whether the said temple could be deleted from the list of notified institutions, who opined that the temple could be excluded from the list notified institution and the Law Department has expressed its concurrence with the opinion of the Advocate General.

On consideration of the opinions of the Advocate General and the Law Department the Government are pleased to order as follows:

**Government Order No. RD 56 RCB 2008, Bangalore
dated 12.08.2008.**

As under Section 1(4) (i) of the Karnataka Hindu Religious Institutions and Charitable Endowments Act 1997, the said Act does not apply to "a Math or a temple attached thereto" it is hereby ordered to exclude Sri Mahabaleshwara Temple and temples of its minor Gods. Gokarna. Kumta Taluk. North Canara District from the list of notified institutions published in the Government Notification bearing No.RD 77 MET 2003, dated 30.04.2003

The Deputy Commissioner of North Canara is directed to hand over the complete administration of the said temple to Sri Ramachandrapura Math, Hosanagara, Shimoga District.

By order and in the name of
the Governor of Karnataka.

Sd/- 12.08.2008
(K.S. SRIKANTABABU)
Desk Officer,
Revenue Department (Endowment)

To,

The Compiler, Karnataka Gazette requesting for publishing and furnishing of 150 copies.

Copy:

1. The Principal Secretary to the Chief Minister/ Secretaries/ Personal Secretary to the Chief Minister.
2. Personal Secretary to Hon'ble Endowment Minister, Vikasa Soudha, Bengaluru.

3. The Commissioner, Religious Endowment Department, Bengaluru.
4. The Controller, Karnataka Gazettee Department, Bengaluru.
5. The District Commissioner, North Canara District, Karwar.
6. The Assistant Commissioner, Religious Endowment Department, North Canara District, Karwar.
7. The Divisional Commissioner, Kumata Taluk, North Canara District.
8. The Tahasildar, Kumata Taluk, North Canara District.
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