NC: 2023:KHC:30835
WP No. 18131 of 2023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF AUGUST, 2023

BEFORE

THE HON'BLE MR JUSTICE KRISHNA S DIXIT

WRIT PETITION NO. 18131/2023 (GM-R/C)

BETWEEN:

KARTHIK D V,
S/O VIVEKANANDA,
AGED ABOUT 26 YEARS,
R/A NO DEVARAGADDE,
SUBRAMANYA VILLAGE, KADABA TALUK,
DAKSHINA KANNADA DISTRICT 574 238.

...PETITIONER

(BY SRI.RAGHAVENDRA N., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
   DEPARTMENT OF MUZARI
   M S BUILDING, BENGALURU 560 001.
   REPRESENTED BY ITS PRINCIPAL SECRETARY.

2. THE COMMISSIONER
   HINDU RELIGIOUS & CHARITABLE
   ENDOWMENT DEPARTMENT
   SRI MALAI MAHADESWARA VARTHA BHAVANA,
   2ND FLOOR, ALOOR VENKATARAO RAOD,
   CHAMARAJPET, BENGALURU 560 018.

3. THE DEPUTY COMMISSIONER
   AND DISTRICT MAGISTRATE'S OFFICE,
   OFFICE OF DISTRICT COMMISSIONER,
   DAKSHINA KANNADA,
   MANGALORE 575 001.

4. THE KUKKE SHRI SUBRAMANYA SWAMY TEMPLE
   SUBRAMANYA VILLAGE AND POST, KADABA TALUK,

Digitally signed by SHARADA VANI B
Location: HIGH COURT OF KARNATAKA

DAKSHINA KANNADA DISTRICT 574 238.
REP BY ITS EXECUTIVE OFFICER.

…RESPONDENTS

(BY SMT. NAVYA SHEKHAR., AGA FOR R1 TO R3;
SRI. K N PHANINDRA., SENIOR COUNSEL FOR
SMT. VAISHALI HEGDE., ADVOCATE FOR R4

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS FORM THE RESPONDENT ABOUT ANNX-G AND GRANT THE FOLLOWING RELIEFS AND QUASHING THE IMPUGNED ENDORSEMENT DTD 24.07.2023 VIDE ANNX-G ISSUED BY THE R-1 SINCE THE SAME IS ARBITRARY ILLEGAL AND CONTRARY TO THE ARTICLE -14 AND 19 (1)(G) OF THE CONSTITUTION OF INDIA AND ETC.,

THIS PETITION COMING ON FOR PERLIMINARY HEARING IN B GROUP THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The principal prayers of the petition read as under:

> *"(i)* ***ISSUE A WRIT OF CERTIORARI*** *or any other appropriate writ or order or directions, quashing the impugned endorsement bearing no. ಕಂಇ 7 ಮುಆಬಿ 2023 ಬೆಂಗಳೂರು dated 24.07.2023 vide Annexure-G issued by the 1st Respondent since the same is arbitrary, illegal and contrary to Aricles-14 and 19 (1)(g) of the Constitution of India.*
>
> *(ii)* ***ISSUE A WRIT OF MANDAMUS*** *or any other appropriate writ or order or directions, directing the 1St Respondent to consider the representation vide Annexure-H dated 09.08.2023 submitted by the Petitioner to extend the lease period till the disposal of SLP(Civil) No.8361/2021, SLP(Civil)*

No.11925/2021 and SLP(Civil) No.11928/2021 pending on the file of Hon'ble Apex Court the copy of representation is marked as Annexure-H and."

2. The subject matter of this petition is substantially similar to the one in W.P.No.18106/2023 between J.VIJAYAKUMAR vs. STATE & OTHERS disposed off by this court today with a cost quantified at 10% of the amount due to the respondent-temple, this petition also has to meet the same fate.

Ordered accordingly and writ petition is dismissed with a cost payable to the respondent-temple quantified at 10% of the amount due. Cost to be remitted within 30 days. All other conditions as incorporated in the cognate case also will be applicable.

Sd/-
JUDGE

cbc
List No.: 1 Sl No.: 67