

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal Nos 1631-1636 of 2021

Ramachnadrappura Math

Appellant

Versus

**Sri Samsthana Mahabaleshwara Devaru
and Others**

Respondents

W I T H

Civil Appeal No 1637 of 2021

Civil Appeal Nos 1638-1643 of 2021

ORDER

- 1 By an order dated 19 April 2021 in Civil Appeal Nos 1631-1636 of 2021, a committee chaired by Shri Justice B N Srikrishna, former Judge of this Court was constituted for overseeing the administration of the Gokarna Mahabaleshwara Temple.
- 2 The Chairperson of the Committee has submitted two reports dated 22 August 2023 and 2 June 2024. The Committee as constituted by this Court was to consist of eight members. Besides the Chairperson, there were three

ex officio members (the Deputy Commissioner of the District, Assistant Commissioner of the Taluka and Superintendent of Police of the District). Four “private persons” were nominated as members by the Government of Karnataka.

- 3 The problems which have been faced in the functioning of the Committee have been summarized in the second report of the Chairperson. In the absence of rules of procedure for the conduct of the business of the Committee, the work of the Committee has been stymied, with the result that the Chairperson has not been able to take concrete decisions to facilitate the administration of the affairs of the temple. It would appear that there are opposing groups which have led to an impasse in the administration.
- 4 The Chairperson has in this backdrop made certain suggestions which are reproduced below:

- “(a) The Chairman is required to be empowered and all other members are merely to advise, aid and assist the Chairman. The Chairman must be empowered regarding nomination or appointment of any members of the Committee;
- (b) As age-old customs and traditions ought to be maintained without reservation or hesitation, and the Chairman may be empowered to seek inputs from upadiwanthas and eminent persons while taking decisions; and
- (c) Active involvement of the District Judiciary may be considered, since they can better appreciate the ground realities and the requirements of law and obedience of the orders of Courts. In fact, I am informed that the District Judiciary is performing administrative functions in other temples in Karnataka where there

are some disputes, such as the Maha Ganapati Temple at Idagundi. Finally, as I am in Mumbai and Gokarna is in a remote area that can be reached by a flight to Goa followed by a car drive for about four hours, I am unable to handle the day to day situation there and the induction of the District Judiciary into the committee is advisable in my view.”

- 5 We are of the view that the situation on the ground as reflected in the report of the Chairperson needs to be remedied at the earliest. Above all, the parties must be mindful of the fact that Gokarna Mahabaleshwara Temple is a temple of antiquity dating back to the eighth century and all steps for the proper conduct of worship and religious observances should be taken in accordance with the traditions.

- 6 We are of the view that the suggestions of Justice B N Srikrishna should be accepted. We accordingly issue the following directions which will be in addition to and, where necessary, in modification of the order dated 19 April 2021:
 - (i) The District Judge, Karwar shall stand inducted as a member of the Committee constituted by the order dated 19 April 2021. The District Judge may, if the exigencies of his work so require, nominate in his place a judicial officer not below the rank of Additional District Judge to aid and assist the Chairperson of the Committee. The Additional District Judge to be inducted should be an officer who is not dealing with any civil matter pertaining to the Trust or the temple;

- (ii) The District Judge or his nominee shall be the Vice Chairperson of the Committee and it would be open to the Chairperson to authorise him to take emergent decisions with the concurrence of the Chairperson;
- (iii) The Chairperson and the Vice Chairperson shall together formulate rules of procedure governing the conduct of the affairs of the Committee;
- (iv) Where the Vice Chairperson is authorized to take appropriate decisions in the absence of the Chairperson, he shall promptly report any decision taken to the Chairperson;
- (v) The Chairperson shall have a casting vote in the affairs of the Committee. All the members of the Committee other than the Chairperson or the Vice Chairperson, shall perform advisory roles and shall not have a veto over the decisions which are taken by the Chairperson and the Vice Chairperson. In taking all appropriate decisions in the interest of the affairs of the Trust and the temple, the Chairperson and the Vice Chairperson shall have due regard to age old customs and traditions and will be at liberty to seek inputs from the upadivantas and any other eminent persons whom they may wish to consult; and
- (vi) The Government of Karnataka shall, notwithstanding any order of any other court, be at liberty to substitute four private members nominated

in pursuance of the order dated 19 April 2021, by nominating new persons in their place. The State government shall however do so in consultation with the Chairperson of the Committee. The persons to be nominated as private members shall fulfill the qualifications as set out in the earlier order dated 19 April 2021.

- 7 List the Civil Appeals for final disposal in the first week of September 2024.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Manoj Misra]

New Delhi;
July 29, 2024
CKB

ITEM NO.29

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

Civil Appeal Nos.1631-1636/2021

RAMACHNADRAPURA MATH

Appellant(s)

VERSUS

SRI SAMSTHANA MAHABALESHWARA DEVARU & ORS.

Respondent(s)

(With IA No.73483/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No.157049/2018 - CLARIFICATION/DIRECTION, IA No.171490/2018 - CLARIFICATION/DIRECTION, IA No.38928/2021 - EXEMPTION FROM FILING AFFIDAVIT, IA No.157050/2018 - EXEMPTION FROM FILING O.T., IA No.127702/2018 - EXEMPTION FROM FILING O.T., IA No.37540/2021 - EXEMPTION FROM FILING O.T., IA No.125647/2018 - EXEMPTION FROM FILING O.T., IA No.40228/2021 - EXEMPTION FROM FILING O.T., IA No.37539/2021 - INTERVENTION APPLICATION, IA No.38926/2021 - INTERVENTION/IMPLEADMENT, IA No.38025/2021 - INTERVENTION/IMPLEADMENT, IA No.38666/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No.170674/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.40227/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.127700/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.49093/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.125648/2018 - PERMISSION TO FILE LENGTHY LIST OF DATES, IA No.59392/2021 - RECALLING THE COURTS ORDER and IA No.59394/2021 - STAY APPLICATION)

WITH C.A. No.1637/2021 (IV-A)

(With IA No.138468/2018 - CLARIFICATION/DIRECTION, IA No.127986/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.138470/2018 - EXEMPTION FROM FILING O.T., IA No.127987/2018 - EXEMPTION FROM FILING O.T. and IA No. 127988/2018 - PERMISSION TO FILE LENGTHY LIST OF DATES)

C.A. Nos.1638-1643/2021 (IV-A)

(With IA No.57381/2021 - APPLICATION FOR PERMISSION, IA No.39910/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.39911/2021 - EXEMPTION FROM FILING O.T.)

Date : 29-07-2024 These matters were called on for hearing today.

CORAM :

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA**

For Appellant(s)
CA 1631-1636/2021

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CA 1637/2021

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Mr. Pai Amit, AOR
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Mr. Kushal Dube, Adv.
Mr. Nikhil Pahwa, Adv.**

CA 1638-43/2021

Mr. D.L. Chidananda, AOR

For Respondent(s)

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Mr. Anand Sanjay M Nuli, Sr. Adv.**

M/s. Nuli & Nuli

Mr. Suvidutt M.S., AOR

Ms. Anannya Ghosh, AOR

Ms. Mrinalini Mishra, Adv.

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

- 1 In terms of the signed order, directions are issued in addition to and, where necessary, in modification of the order dated 19 April 2021.
- 2 List the Civil Appeals for final disposal in the first week of September 2024.

**(CHETAN KUMAR)
A.R.-cum-P.S.**

(Signed order is placed on the file)

**(SAROJ KUMARI GAUR)
Assistant Registrar**