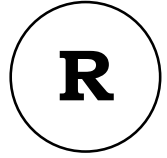


Reserved on : 17.04.2025
Pronounced on : 02.06.2025



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 02ND DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.3857 OF 2025 (GM-R/C)

BETWEEN:

SRI SHRISHA TANTHRY
S/O VITTALA TANTHRI
AGED ABOUT 52 YEARS
R/AT NO.1-123-1B, SHRIPADA
ANANTHARAJA ROAD
MALLAR VILLAGE, PADU
KAPU, UDUPI – 574 106.

... PETITIONER

(BY SRI ARUNA SHYAM M., SR. ADVOCATE A/W.,
SRI SUYOG HERELE E., ADVOCATE)

AND:

- 1 . THE COMMISSIONER
RELIGIOUS AND ENDOWMENTS
CHAMARAJAPETE
BENGALURU – 560 018.
- 2 . THE DEPUTY COMMISSIONER
DEPARTMENT OF HINDU
RELIGIOUS INSTITUTIONS

AND CHARITABLE ENDOWMENTS
UDUPI – 576 104.

- 3 . THE MANAGEMENT COMMITTEE
SRI LAKSHMI JANARDHANA TEMPLE
MALLARU GRAMA, KAPU
UDUPI – 574 106.
- 4 . THE EXECUTIVE OFFICER
SRI LAKSHMI JANARDHANA TEMPLE
MALLARU GRAMA, KAPU
UDUPI – 574 106.
- 5 . SRI K.P.SRINIVAS THANTRY
S/O PURUSHOTTAM
AGED ABOUT 47 YEARS
R/AT MADUMBU INNAJE VILLAGE
KAPU TALUK, UDUPI – 576 122.
- 6 . SRI ANANTHARAMA TANTRY
S/O LATE SRINIVAS TANTRY
AGED ABOUT 83 YEARS
AT, JANARDHANA TEMPLE
KAPU, UDUPI – 574 106.

... RESPONDENTS

(BY SMT. PRATHIBHA R. K., AGA FOR R1 TO R4;
SRI PRAMOD KATHAVI, SR. ADVOCATE A/W.,
SMT. RACHANA BHARADHWAJ R., ADVOCATE R5 AND R6)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE
RESPONDENT NO.1 TO 4 AUTHORITIES TO RESTRAIN/PREVENT
THE RESPONDENT NO.5 FROM PERFORMING THE POOJA RITUALS
OF SRI. LAKSHMI JANARADHAN TEMPLE, KAPU AS TANTHRI

DURING ANY CELEBRATIONS AT THE TEMPLE INCLUDING THE ANNUAL CELEBRATIONS COMMENCING FROM 12-02-2025 (COPY OF THE INVITATION CARD IS PRODUCED AT ANNEXURE-H) AND ETC.,

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.04.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner, a Thantri is at the doors of this Court seeking a direction by issuance of a writ in the nature of *mandamus* directing respondents 1 to 4 to restrain or prevent the 5th respondent from performing rituals of pooja at Sree Lakshmi Janardhana Temple, Kapu ('the Temple' for short) in the position of being a Thantri during any celebrations at the Temple including annual celebrations that were said to commence at the time of filing of the petition.

2. Heard Sri M. Aruna Shyam, learned senior counsel appearing for the petitioner, Smt. R.K. Prathibha, learned Additional Government Advocate appearing for respondents 1 to 4 and Sri Pramod Kathavi, learned senior counsel appearing for respondents 5 and 6.

3. Facts, in brief, as borne out from the pleadings are as follows: -

The averment in the petition is that, in the year 1889, a family partition was entered into between the family members with regard to Thantriship of the Temple for a period of one year from the day after Deepavali festival and continued every Hindu year by each branch of a particular family. On 17-11-1970, three branches of the family headed by one Puttanna Thantri, Smt. Bhageerathamma, wife of late Krishna Thantri and Sri Anantharama Thantri were said to performing Thantriship on a rotation basis. Things went on for over 53 years and comes the year 2023. On 06-07-2023, Sri Anantharama Thantri who had the right to perform duties and rituals as Thantri during the term of Smt. Bhageerathamma executes a will bequeathing Thantriship to

5th respondent, one Sri Srinivas Thantri who is not associated with the family of the petitioner or the lineage of Thantriship. The 5th respondent submits a representation to the President of the Managing Committee of the Temple seeking permission to perform Thantriship during annual celebrations which were said to commence from 12-02-2025 at the Temple. The moment this comes to the knowledge of the petitioner, the petitioner submits a representation/objection not to permit a third party to perform religious activities of Thantri and to allow the petitioner to perform duties as hereditary Thantri. The annual Jathra Mahatsova was said to commence on 12-02-2025. The 5th respondent was appointed to perform Thantriship. Aggrieved by the said action of the respondents in permitting the 5th respondent to perform Thantriship at the annual Jathra Mahatsova, the subject petition comes to be filed.

4. A coordinate Bench of this Court, on 11-02-2025, by a detailed order directed the Circular of 25-01-2021 issued by the Commissioner of Endowments with regard to Thantriship to be followed. The moment the said order is passed, it appears, the 6th

respondent was asked to perform Thantriship. On the said score, the 6th respondent files an impleading application along with his objections. This Court, again on 25-03-2025, directed the parties to maintain *status quo* as obtaining on the said date and the matter is heard at that stage.

5. The learned senior counsel Sri M Aruna Shyam appearing for the petitioner would vehemently contend that the 5th respondent is a total stranger, he is not in the family lineage of Thantri which was prevalent right from 17-11-1970. The tradition of 53 years is given a go-bye by the 6th respondent/Anantharama Thantri by bequeathing Thantriship to the 5th respondent. He would submit that bequeathing is by way of a Will and the Will would come into existence only after the death of the testator. But the Will is known to the 5th respondent. He submits a representation and he is appointed as a Thantri. This is completely breaking the old age tradition of Thantri as to who should be the Thantri. If Anantharama Thantri is unable to perform the duties of Thantriship, it devolves on a Thantri on rotation basis that was prevalent for the last 53 years. The petitioner was performing Thantriship in

Smt. Bhageerathamma's rotation and that would end on the Deepavali of 2025 and the 6th respondent can then continue to perform Thantriship from Deepavali 2025. But, he cannot bequeath it or give a General Power of Attorney to perform Thantriship to a stranger who does not belong to the family of Thantris' who have been performing Thantriship for several decades as of now.

6. Per contra, the learned senior counsel Sri Pramod Kathavi appearing for the 6th respondent would submit that it was 6th respondent's turn to perform Thantri. The 6th respondent could not perform, so he bequeathed such performance to the 5th respondent. That may be erroneous. The learned senior counsel would submit that even if it is accepted to be an error, the petitioner will not get the right to perform Thantriship. It would devolve on Sri Anantharama Thantri whose term had to commence on Deepavali of 2024. The petitioner has snatched the said opportunity from the cycle of rotation to perform Thantrishp. He would submit that the 6th respondent who is now very old may not see the light of the day of Deepavali of 2025. In law also, the learned senior counsel would submit that the order of the Commissioner for

Charitable Endowments is given go-bye by the act of respondents 1 to 4 in permitting the petitioner to perform Thantriship.

7. The learned Additional Government Advocate appearing for the State would toe the lines of the learned senior counsel for the 6th respondent in contending that Thantriship has been in rotation and in terms of the rotation the 6th respondent should be permitted to perform Thantriship and would seek dismissal of the petition.

8. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

9. Before embarking upon consideration of the case on its merit, I deem it appropriate to notice the statutory landscape. At the outset, it must be noticed with emphasis that the Karnataka Hindu Religious Institutions and Charitable Endowments Act, 1997 ('Act' for short) does not bear a definition of a Thantri. What is defined is 'Archaka'. Therefore, what is available in public domain of the term 'Thantri' and the duties thereto, are to be paraphrased for

consideration of the case of the petitioner. A Thantri is a chief priest and ritual head of a Hindu temple. The role is hereditary, traditionally passed down to certain families. A Thantri is the very soul of temples' rituals. He is considered to be the highest spiritual authority in a temple. He would be responsible for establishing, maintaining and preserving Agamic tradition. All temple rituals like consecration (pratishta), purification (punyaha) and daily poojas are conducted or overseen by the Thantri. These are the broad functions of a Thantri. Thantriship is said to be a hereditary position usually passed down to the families that have traditional rights of such Thantriship. It is distinct from an Archaka who performs the daily worship of the deity. Thantri has a higher, which is often supervisory and a spiritual role. The Courts in the country also recognize Thantri as one being essential in matters of religious custom and temple management. A Thantri, is thus, more than a priest and is the one who perform the sacred ***prana pratishta***, breathing life into the deity's form. His role is not merely ceremonial, it is mystical, supervisory and inherited – a sacred thread passed from ancestor to the descendant.

10. The Act defines, who is an Archaka. Section 2(2) defines an Archaka and Section 10 depicts qualifications of Archaka and Section 10A defines disqualification to become an Archaka. These provisions read as follows:

"2(2) **"Archaka"** means and includes Pradhana Archaka, Assistant Archaka, pujari or other person by whatever name called who performs or conducts archane, pooja and other rituals;"

... ..

10. **Qualifications for Archakas.**- (1) No person shall be appointed to be a Archaka unless he has passed atleast a certificate course pravara in the Agama in the tradition of the temple, from any recognized SanskrutaPatashala or any other institution as the State Government may by notification in the official gazette specify, or has performed as archaka in the tradition of the temple for at least three years.

(2) Archaka other than hereditary Archaks who are in service on the date of the commencement of the Karnataka Hindu religious institution and charitable endowments (Amendment) Act, 2011 may be continued as Archaka who shall acquire the prescribed qualification within the period of five years unless he has crossed forty-five years of age.

(3) An Agamika or tanthri wherever appointed to perform poojas in a temple on special occasions shall continue to perform such functions as the Committee of management may specify and shall be governed by such conditions of service as may be prescribed.

Provided that no person shall after the commencement of this Act be appointed to perform as an Agamika or Tanthri unless he has passed the Pravina course in the Agama, from any samskrutapatashala or other institutions imparting education in the tradition.

10A. Disqualification of Archaks.- A person shall be disqualified for being appointed as Archak or being continued as Archak if he,-

- (a) is suffering from any virulent or contagious disease; or
- (b) is unable to recite Vedic mantras or Shlokas relating to the rituals in temple concerned with clarity and without any fault, other than temples, where reciting of vedic Mantras or Shlokas is not compulsory or mandatory;
- (c) is not free from 'Sapta Vyasanas'.

Explanation.- The expression 'Sapta Vyasanas' means gambling, consuming intoxicating liquor and drugs, smoking, immoral sexual conduct, involved in heinous crime, stealing and cheating."

The qualifications, duties and responsibilities of Archaka may appear to be somewhat similar. While a distinguishing feature is that, for the post of Archaka, Archakapravara is a pre-requisite qualification, Thantripravara is also a pre-requisite qualification to function as Thantri.

11. Swinging back to the facts of the case, the temple is said to have a history spanning over 800 years and since its inception, it is the averment that the petitioner's family has been managing the temple including the post of Thantriship. In the year 1889 a family

arrangement is said to have taken place amongst family members who were managing the temple and Thantriship. For performance of Thantriship, each branch of the family would alternatively hold the post of Thantriship of the temple for a term of one year as, paryaya, from the day after Deepavali of every Hindu year, to the following Deepavali. The arrangement which stood the test of time for 90 years was tweaked in the year 1970. On 09-11-1970 Smt. Bhageerathamma, head of one of the branches in the family submits a representation to the Deputy Commissioner, based upon which, a proceeding comes to be drawn by the Deputy Commissioner and an order is passed on 17-11-1970. The order of the Deputy Commissioner reads as follows:

"....

7. In view of the allegations made against Sri AnantharamaThantri about his competency to do the Tantra in the temple, the undersigned on enquiry is satisfied that he is competent Sri Anantharama Thantri is undergoing training in Tantra under Sri Padoor Narasimha Thantri, an authority on Aagama Shastra. Sri Narasimha Thantri has vouchsafed in writing that Sri Anantharama Thantri is competent to do the Tantra in the Temple.

8. The undersigned accordingly passes the following order:

ORDER

(i) It is the turn or paryayam of Smt. Bhagirathiamma to the Tantra in the temple during the current period ending with the Deepavali of 1971.

(ii) Sri Puttanna Thantri or his brother Ganapathy Thantri is not entitled to the Tantra at present and their turn or paryayam will commence from the Deepavali of 1971.

(iii) From the Deepavali of 1972 it will be the turn of Sri Anantharama Thantri to the Tantra.

(iv) Sri Anantharama Thantri as the person appointed by the rightful holder Smt. Bhagirathiamma will take over the Tantra in the temple with effect from 20-11-1970 and will carry on till Deepavali 1971.

(v) Both Smt. Bhagirathiamma and Sri Anantharama Thantri will give an undertaking in writing to the temple for the due performance of the Tantra in the temple.

Sd/-
K.S. Shetty,
Managing Trustee.

To

- 1) Smt. Bhagirathiamma,
Widow of Krishna Thantri,
Uliaragoli,
- 2) Sri PuttannaThantri,
Uliaragoli

The Clerk of the Temple will serve this on the above persons and will obtain their acknowledgment on the copy hereof.

-Copy-

Sd/-
Deputy Commissioner,
(H.R. & C.E),
South Kanara,

Mangalore.”
(Emphasis added)

The Deputy Commissioner directs that it is the turn or paryaya of Smt. Bhageerathamma to the Thantriship in the temple from the current period ending with Deepavali of 1971 and later it is the turn of PuttannaT hantri up to Deepavali 1972 and from 1972 it would be Anantharama Thantri. Anantharama Thantri is appointed as the rightful holder of Smt. Bhageerathamma and will take over thantra in the temple from 20-11-1970 till Deepavali 1971 and both Smt. Bhageerathamma and Anantharama Thantri were directed to give an undertaking in writing to the temple for performance of thantra in the temple.

12. This is challenged by Ganapathi Thantri, the brother of Puttanna Thantri, one of the members of the branch of Thantri family. The appeal is before the Commissioner for Charitable Endowment. The Commissioner, by his order dated 12-09-1977 affirms the order of the Deputy Commissioner by the following order:

“....

The fact that the 'Thantri Vrithi' service had devolved on the three families, i.e., (1) Krishna Thantri, whose widow is Bhagirathiamma, (2) Venkataram Thantri, whose sons are Puttanna Thantri and Ganapathi Thantri and (3) Janardhan Thantri, whose grandson is Anantharama Thantri, is not denied by the appellant.

I have looked into this affidavit filed before the Deputy Commissioner by Sri Puttanna Thantri. This is attested by the Head Clerk of Munsiff's Court, Udupi. In the affidavit Sri Puttanna Thantri has stated:

"..... On his death about 21 years ago, the 2nd respondent being a minor I was doing the Tantra Vritti on his behalf during his turn and of the 1st respondent at her request and with the permission of the temple authorities."

In paragraph 9 of the affidavit he has stated that both 1st and 2nd respondents are entitled to Thantri Vrithi in the temple by turns and that he has been performing the Vrithi on behalf of the 1st respondent during her term at her request. Similarly, after the 2nd respondent attained majority he performed the Thantri Vrithi during his term at his request till he completed his Agama Studies. This affidavit has not been rebutted and disproved. There is no reason to disbelieve this affidavit. The ingredients of adverse possession enumerated in this case law have not been established. Besides when one of the appellants before the Deputy Commissioner has clearly admitted the rights of the respondents 1 and 2 and has stated that he was performing the services on their behalf and this matter has not been disproved, I hold that adverse possession of the appellant is not established.

Hence, the appeal is dismissed and order of the Deputy Commissioner is upheld."

(Emphasis added)

Thus, the rights between the members of the family of trinity of branches become a norm – one Bhagirathamma, the other Puttanna Thantri and Anantharama Thantri.

13. They took turns in harmonious rotation. The facts are to be fast forwarded to 2021. The Government through the Commissioner, issues a circular, holding that in the absence of hereditary archaka/Thantri to perform pooja rituals, the next in line has to be permitted to perform pooja and other religious activities. The Circular dated 25-01-2021 reads as follows:

“:- ಸುತ್ತೋಲೆ :-

ವಿಷಯ: ಇಲಾಖಾ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವ ಅಧಿಸೂಚಿತ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಬದಲಿ ವ್ಯಕ್ತಿಗಳನ್ನು ನಾಮ ನಿರ್ದೇಶನ ಮಾಡುವ ಬಗ್ಗೆ.

ಕರ್ನಾಟಕ ಹಿಂದೂ ಧಾರ್ಮಿಕ ಸಂಸ್ಥೆಗಳು ಮತ್ತು ಧರ್ಮಾದಾಯ ದತ್ತಿಗಳ ನಿಯಮಾವಳಿ 2002ರ ನಿಯಮ 15(3) ರಲ್ಲಿ ಕೆಳಕಂಡಂತಿರುತ್ತದೆ.

“ರಜೆಯ ಮೇಲೆ ಹೋಗುವ ಅರ್ಚಕರು ಮತ್ತು ದೇವಸ್ಥಾನದ ನೌಕರರು, ಅವರ ಸ್ಥಾನದಲ್ಲಿ, ಬದಲಿ; ವ್ಯಕ್ತಿಗಳನ್ನು ನಾಮ ನಿರ್ದೇಶನ ಮಾಡಲು ಅವರು ಸ್ವಂತ ವ್ಯವಸ್ಥೆಯನ್ನು ಮಾಡಿಕೊಳ್ಳತಕ್ಕದ್ದು ಮತ್ತು ಅದಕ್ಕೆ, ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು ಅಥವಾ ಸಂದರ್ಭಾನುಸಾರ ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯ ಅಧ್ಯಕ್ಷರ ಅನುಮೋದನೆ ಪಡೆಯತಕ್ಕದ್ದು”

ಆದರೆ ಧಾರ್ಮಿಕ ದತ್ತಿ ಇಲಾಖಾ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವ ಹಲವಾರು ದೇವಾಲಯಗಳಲ್ಲಿ ಅರ್ಚಕರು ತಾವು ಬೇರೊಂದು ಉದ್ಯೋಗದಲ್ಲಿದ್ದು, ತಮ್ಮ ಸರದಿ ಪೂಜಾ ವೃತ್ತಿಯನ್ನು ಅನಿರ್ದಿಷ್ಟಾವಧಿಗೆ ಇತರ ವ್ಯಕ್ತಿಗಳಿಗೆ ನೀಡಿ ಪೂಜಾ ವೃತ್ತಿಯನ್ನು ಪರಭಾರೆ ಮಾಡಿಕೊಳ್ಳುತ್ತಿರುವ ಬಗ್ಗೆ ಹಲವಾರು ದೂರುಗಳು ಸ್ವೀಕೃತವಾಗುತ್ತಿರುತ್ತವೆ ಹಾಗೂ ಭಾರಿ ಹಣಕಾಸಿಗೆ ಪೂಜಾ ವೃತ್ತಿಯನ್ನು ಪರಭಾರೆ ಮಾಡುವುದು ಮತ್ತು

ಇಲಾಖೆಯಿಂದ ಅಧಿಕೃತವಾಗಿ ನೇಮಕವಾಗದ ವ್ಯಕ್ತಿ ದೇವಾಲಯದ ಪೂಜಾ ಕೈಂಕರ್ಯ ನಡೆಸುವುದು ನಿಯಮ ಬಾಹಿರವೆನಿಸುತ್ತದೆ.

ಆದ್ದರಿಂದ, ಇನ್ನು ಮುಂದೆ ಧಾರ್ಮಿಕ ದತ್ತಿ ಇಲಾಖೆಯ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಬರುವ ಅಧಿಸೂಚಿತ ದೇವಾಲಯಗಳ ಅರ್ಚಕರು ರಜೆಯ ಮೇಲೆ ತೆರಳುವ ನಿಗದಿತ ಅವಧಿಗೆ ಮಾತ್ರ ಬದಲಿ ವ್ಯವಸ್ಥೆಯನ್ನು ಮಾಡತಕ್ಕದ್ದು ಹಾಗೂ ರಜೆ ಮತ್ತು ಬದಲಿ ವ್ಯವಸ್ಥೆಯು ಸಕಾರಣ ಹೊಂದಿದೆಯೇ? ಎಂಬ ಬಗ್ಗೆ ಆಯಾಯಾ ದೇವಾಲಯದ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು/ ಆಡಳಿತಾಧಿಕಾರಿಗಳು/ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯವರು/ಅನುವಂಶಿಕ ಮೊಕ್ಷೇಸರರು ಪರಿಶೀಲಿಸಿ ದೃಢಪಡಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು. ಅಲ್ಲದೆ, ದೇವಾಲಯದ ಸರದಿ ಅರ್ಚಕರು ಅವರ ಸರದಿಯ ಪೂಜಾ ಕೈಂಕರ್ಯಗಳನ್ನು ನಿರ್ವಹಿಸಲು ಸಾಧ್ಯವಾಗದೇ ಇದ್ದಲ್ಲಿ ಅವರ ಪೂಜಾ ಸರದಿಯ ಹಕ್ಕನ್ನು ಕಾಯ್ದಿರಿಸಿ ದೇವಾಲಯದ ದೈನಂದಿನ ಪೂಜಾ ಕೈಂಕರ್ಯಗಳು ಸುಗಮವಾಗಿ ನಡೆಸುವ ಹಿತದೃಷ್ಟಿಯಿಂದ ಮುಂದಿನ ಸರದಿಯ ಅರ್ಚಕರು ಕಾರ್ಯನಿರ್ವಹಿಸಲು ಅನುವು ಮಾಡಿಕೊಡತಕ್ಕದ್ದು. ಯಾವುದೇ ಕಾರಣಕ್ಕೂ ಸರದಿ ಅರ್ಚಕರನ್ನು ಬಿಟ್ಟು ಬೇರೆಯವರನ್ನು ಅನಿರ್ದಿಷ್ಟಾವಧಿಗೆ ಬದಲಿ ವ್ಯವಸ್ಥೆ ಮಾಡಲು ಅವಕಾಶ ನೀಡತಕ್ಕದ್ದಲ್ಲ. ಒಂದುವೇಳೆ ಅನಿರ್ದಿಷ್ಟಾವಧಿಗೆ ಬದಲಿ ವ್ಯವಸ್ಥೆ ಮಾಡಿರುವ ಪ್ರಕರಣಗಳು ಕಂಡುಬಂದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಧಿಕಾರಿಗಳು/ ಆಡಳಿತಾಧಿಕಾರಿಗಳು/ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯವರು/ಅನುವಂಶಿಕ ಮೊಕ್ಷೇಸರರನ್ನು ನೇರಹೊಣೆಗಾರರನ್ನಾಗಿ ಮಾಡಲಾಗುವುದು.

ಸಹಿ/-

ಆಯುಕ್ತರು,

ಧಾರ್ಮಿಕ ದತ್ತಿ ಇಲಾಖೆ, ಬೆಂಗಳೂರು.”

After issuance of the circular, a complaint is registered before the Tahsildar against the petitioner. The Tahsildar then communicates to the 6th respondent Anantharama Thantri, owing to the complaint, requesting him to continue the *parayaya* in the temple, which was given to the petitioner, on the score that Anantharama Thantri had performed the Thantriship for two years to the satisfaction of everyone. The communication reads as follows:

“ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ಧಾರ್ಮಿಕ ದತ್ತಿ ಇಲಾಖೆ

ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ
ಮತ್ತು
ಶ್ರೀ ಮೂರನೇ ಮಾರಿಯಮ್ಮ ದೇವಸ್ಥಾನ
ಕಾಪು ಉಡುಪಿ ಜಿಲ್ಲೆ - 574106

ದಿನಾಂಕ: 10.01.2023

ರಿಗೆ,

ಶ್ರೀ ಅನಂತರಾಮ ತಂತ್ರಿ,

ಸರದಿ ತಂತ್ರಿ,

ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ.

ಮತ್ತು ಶ್ರೀ ಮೂರನೇ ಮಾರಿಯಮ್ಮ ದೇವಸ್ಥಾನ ಕಾವು.

ಪ್ರಿಯರೇ,

ವಿಷಯ: ಕಾವು ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ ಮತ್ತು ಸಹ ಸಂಸ್ಥೆಗಳ ಸರದಿ ತಂತ್ರಿ ಸ್ಥಾನವನ್ನು ತಾವು ವಹಿಸಿಕೊಳ್ಳುವಂತೆ ವಿನಂತಿ.

ಕಾವು ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ ಮತ್ತು ಸಹ ಸಂಸ್ಥೆಗಳ ತಂತ್ರಿ ಸ್ಥಾನವನ್ನು, ಪರಂಪರಾಗತ ಬಂದಿರುವ ಪ್ರಕಾರ ತಾವು ಎರಡು ವರ್ಷದ ಪರ್ಯಾಯವನ್ನು ಈ ಹಿಂದೆ ನೆಡೆಸಿದಂತೆ ನೆಡೆಸಿಕೊಟ್ಟು ದೇವರ ಯಾವುದೇ ವಿಧಾನಗಳಿಗೆ ಚ್ಯುತಿ ಬಾರದ ರೀತಿಯಲ್ಲಿ ಸೂಕ್ತ ಸಲಹೆ ಸೂಚನೆಗಳನ್ನು ನೀಡಿ ಕ್ಷೇತ್ರವನ್ನು ಅಭಿವೃದ್ಧಿಯತ್ತ ಮುನ್ನಡೆಸಬೇಕೆಂದು ವಿನಂತಿ. ಈ ಮಧ್ಯೆ ಪರ್ಯಾಯ ತಂತ್ರಿಯಾದ ಶ್ರೀ ಶ್ರೀಶ ತಂತ್ರಿಯವರ ತಂತ್ರವನ್ನು ಕೂಡ ತಾವೇ ಮುಂದುವರೆಸಬೇಕಾಗಿ ವಿನಂತಿ.

ಇತೀ ನಿಮ್ಮ ವಿಶ್ವಾಸಿ,

[ಆಡಳಿತಾಧಿಕಾರಿ]

ಶ್ರೀ ಗಣೇಶ್ ರಾವ್

ಧಾರ್ಮಿಕ ದತ್ತಿ ತಹಶೀಲ್ದಾರ್,

ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಛೇರಿ,

ಉಡುಪಿ ಜಿಲ್ಲೆ, ಉಡುಪಿ."

"ರಿಂದ,

ಶ್ರೀ ಅನಂತರಾಮ ತಂತ್ರಿ,

ಸರದಿ ತಂತ್ರಿಗಳು,

ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ,

ಮತ್ತು ಶ್ರೀ ಮೂರನೇ ಮಾರಿಯಮ್ಮ ದೇವಸ್ಥಾನ ಕಾವು.

ರಿಗೆ,

ಆಡಳಿತಾಧಿಕಾರಿ/ಕಾರ್ಯನಿರ್ವಹಣಾಧಿಕಾರಿ,

ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ ಮತ್ತು ಸಹ ಸಂಸ್ಥೆಗಳು,
ರಾಪು.

ಪ್ರಿಯರೇ,

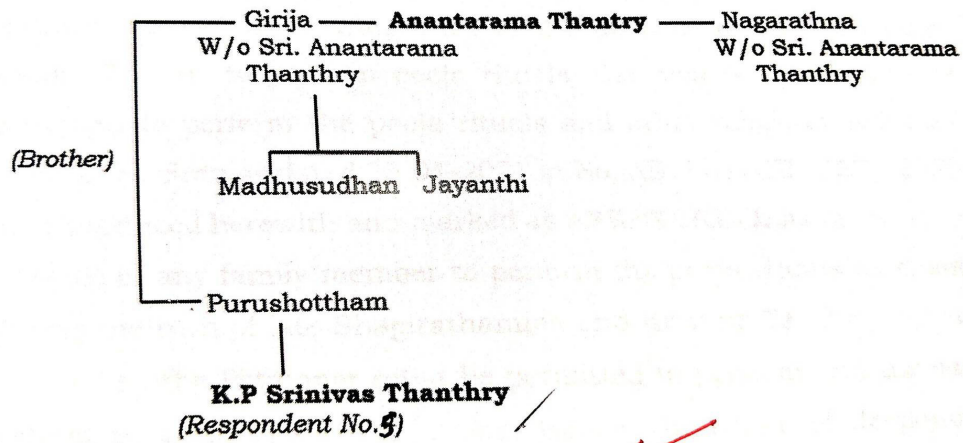
ವಿಷಯ: ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ ಹಾಗೂ ಸಮೂಹ ಸಂಸ್ಥೆಗಳ ತಂತ್ರಿ ಕೆಲಸ
ಹಾಗೂ ಧಾರ್ಮಿಕ ವಿಧಿ ವಿಧಾನಗಳ ಜವಬ್ದಾರಿಯನ್ನು ದಿನಾಂಕ:
13.01.2023 ರಿಂದ ವಹಿಸಿಕೊಳ್ಳುವ ಬಗ್ಗೆ.

ರಾಪು ಮಹತೋಭಾರ ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ ಹಾಗೂ ಸಮೂಹ ಸಂಸ್ಥೆಗಳ
ದೇವಸ್ಥಾನಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಹಾಗೆ ಧಾರ್ಮಿಕ ವಿಧಿ ವಿಧಾನಗಳು ಹಾಗೂ ತಂತ್ರದ ವಿಧಿ ವಿಧಾನಗಳನ್ನು
ನಡೆಸಲು ತಾವು ಬಂದು ಕೈಂಕರ್ಯದ ಜವಬ್ದಾರಿಯನ್ನು ವಹಿಸಿಕೊಳ್ಳಬೇಕು ಎಂದು ನಮಗೆ ಕೊಟ್ಟ
ಮನವಿ ಮೇರೆಗೆ ಹಾಗೂ ನಮ್ಮದೇ ಪರಂಪರಾಗತ ತಂತ್ರದ ಕೈಂಕರ್ಯವಿರುವುದರಿಂದ ಅಧಿಕೃತವಾಗಿ
13.01.2023 ರಿಂದ ದೇವಸ್ಥಾನದ ಧಾರ್ಮಿಕ ವಿಧಿ ವಿಧಾನಗಳ ಹಾಗೂ ತಂತ್ರದ ಜವಬ್ದಾರಿಯನ್ನು
ವಹಿಸಿಕೊಂಡಿರುತ್ತೇವೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,
ಅನಂತರಾಮ ತಂತ್ರಿ,
ಸರದಿ ತಂತ್ರಿಗಳು."

The petitioner then, owing to the aforementioned complaint, is placed under suspension on 11-01-2023 by the Tahsildar. The moment the petitioner is placed under suspension, the 6th respondent was asked to perform the rituals of paryaya on 13-01-2023. As observed hereinabove, an Inquiry Officer is appointed to enquire into the allegations against the petitioner and the Inquiry against the petitioner was still pending as on the date of filing of the petition. The petitioner then approaches the Deputy Commissioner, challenging the order of suspension which is declined to be entertained.

14. In the interregnum, the 6th respondent/Anantharama Thantri communicates to the Tahsildar seeking his permission to take the assistance of one K.P. Srinivasa Thantri and one Madhusudhan Thantri to perform Thantriship at the temple. The role of the 5th respondent Sri K.P. Srinivas Thantri is said to be restricted only to assist the 6th respondent in the performance of Thantriship in the turn/paryaya of the 6th respondent and the turn of late Bhageerathamma. It is the averment that beyond the assistance, the 5th respondent was not taken as hereditary Thantri. The contents of the said representation or the communication appears to be an eye-wash, as barely after five months on 06-07-2023, Anantharama Thantri, the 6th respondent who had the right to perform Thantriship during his turn and the turn of Smt. Bhageerathamma executes a Will, bequeathing the right of Thantriship to the 5th respondent, for both the terms i.e., his and Smt. Bhageerathamma. The petitioner now alleges that the 5th respondent is a spiritual outsider to the family and cannot be appointed as a Thantri by any method. To buttress the submission, the learned senior counsel for the petitioner takes the Court through the family tree of the 5th respondent. It is as follows:



The 5th respondent admittedly is a stranger to the family. This is accepted by the learned senior counsel appearing for the 6th respondent. Therefore, there can be no question of the 5th respondent performing duties of a Thantri. Above all, the 5th respondent claims his right under a Will which has not come into legal existence. Therefore, the 5th respondent's right to claim to perform Thantriship is admittedly contrary to law.

15. The Thantries who are now permitted to perform Thantriship are at loggerheads. In the interregnum the Managing Committee of the Temple, which had placed the petitioner under

suspension, revokes the suspension by a memorandum dated 12-11-2024. It reads as follows:

“ಶ್ರೀ ಮನೋಹರ್ ಎಸ್ ಶೆಟ್ಟಿ,
ಅಧ್ಯಕ್ಷರು.
ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿ.

ಜ್ಞಾಪನಾ ಪತ್ರ

ಕಾಪು ಶ್ರೀ ಜನಾರ್ದನ ಮತ್ತು ಸಮೂಹ ದೇವಾಲಯಗಳ ಅನುವಂಶಿಕ ಸರದಿ ತಂತ್ರಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದ ಶ್ರೀ ಶ್ರೀಶ ತಂತ್ರಿ ಇವರನ್ನು ತಾ:25.12.2022 ಗುರುವಾರ ನಡೆದಿರುವ ಆಡಳಿತಾಧಿಕಾರಿಯವರ ನಿರ್ಣಯ ನಂಟು: 3 ರಂತೆ ಅಮಾನತ್ತುಗೊಳಿಸಿರುವುದನ್ನು ತಾ:09.11.2024ರಂದು ನಡೆದ ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿಯ ಸಭೆಯಲ್ಲಿ ನಿರ್ಣಯ ನಂಟು :3 ರಂತೆ ಅಮಾನತ್ತು ರದ್ದುಗೊಳಿಸಲಾಯಿತು. ಇನ್ನು ಮುಂದಿನ ಸರದಿಯಲ್ಲಿ ಸಮೂಹ ದೇವಾಲಯಗಳ ಅನುವಂಶಿಕ ಸರದಿ ತಂತ್ರಿ ಕೆಲಸವನ್ನು ಯಥಾವತ್ತಾಗಿ ನಿರ್ವಹಿಸಬಹುದೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

ಸಹಿ/-
ಅಧ್ಯಕ್ಷರು,
ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿ.”

The moment this happens, the petitioner submits a representation seeking direction to permit him to perform poojas and other religious activities of a Thantri in the Temple during the turn of late Bhageerathamma, wife of late Krishna Thantri. The representation reads as follows:

“ರಿಂದ,
ಶ್ರೀಶ ತಂತ್ರಿ
ಪರ್ಯಾಯ ತಂತ್ರಿಗಳು
ಶ್ರೀಜನಾರ್ದನ ದೇವಸ್ಥಾನ,

ಮಲ್ಲಾರು ಗ್ರಾಮ

ಕಾಪು.

ರಿಗೆ,

ಕಾರ್ಯನಿರ್ವಾಹಣಾಧಿಕಾರಿ

ವ್ಯವಸ್ಥಾಪನಾ ಸಮಿತಿ

ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನ

ಕಾಪು ಗ್ರಾಮ.

ಮಾನ್ಯರೇ,

ವಿಷಯ : ಉಡುಪಿ ಜಿಲ್ಲೆ ಕಾಪು ತಾಲೂಕು ಮಲ್ಲಾರು ಗ್ರಾಮದ ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನದ ಅನುವಂಶಿಕ ತಂತ್ರದ ಬಗ್ಗೆ.

ಕಾಪು ತಾಲೂಕಿನ ಶ್ರೀ ಜನಾರ್ದನ ದೇವಸ್ಥಾನದ ಅನುವಂಶಿಕ ತಂತ್ರಿಗಳಾದ ಗೋಪಣ್ಣ ಅಲಿಯಾಸ್ ಕುಪ್ಪಣ್ಣ ತಂತ್ರಿ, ವೆಂಕಟರಮಣ ತಂತ್ರಿ, ಜನಾರ್ದನ ತಂತ್ರಿ ಇವರಿಗೆ ಅವಧಿನಿಮಿತ್ತ ಹಕ್ಕು ಇರುತ್ತದೆ. ಪ್ರಸ್ತುತ ಗೋಪಣ್ಣ ಅಲಿಯಾಸ್ ಕುಪ್ಪಣ್ಣ ತಂತ್ರಿ, ವೆಂಕಟರಮಣ ತಂತ್ರಿ ಹಾಗೂ ಜನಾರ್ದನ ತಂತ್ರಿ ಮೂವರು ಮರಣ ಹೊಂದಿರುತ್ತಾರೆ. ಹಾಗೆಯೇ ಗೋಪಣ್ಣ ಅಲಿಯಾಸ್ ಕುಪ್ಪಣ್ಣ ತಂತ್ರಿ ಇವರ ವಾರಸುದಾರ ಕೃಷ್ಣ ತಂತ್ರಿ ಇವರು ಸಹ ಮರಣ ಹೊಂದಿರುತ್ತಾರೆ. ದಿವಂಗತ ಕೃಷ್ಣತಂತ್ರಿ ಹಾಗೂ ಅವರ ಪತ್ನಿ ಭಾಗೀರಥಿ ಅಮ್ಮ ಇವರಿಗೆ ಗಂಡು ಸಂತಾನ ಇರುವುದಿಲ್ಲ. ಸದ್ರಿಯವರಿಗೆ ಹೆಣ್ಣು ಮಕ್ಕಳು ಮಾತ್ರ ಇದ್ದು ಅವರು ಮರಣ ಹೊಂದಿರುತ್ತಾರೆ.

ಹಲವಾರು ವರ್ಷಗಳಿಂದ ವೆಂಕಟರಮಣ ತಂತ್ರಿ ಇವರ ಮಗ ಗಣಪತಿ ತಂತ್ರಿ ಸದ್ರಿಯವರ ಮಗ ವಿಠಲ ತಂತ್ರಿ ಹಾಗೂ ವಿಠಲ ತಂತ್ರಿಯವರ ಮಗ ಶ್ರೀಶ ತಂತ್ರಿ ಇವರು ಅನುವಂಶಿಕವಾಗಿ ದೇವಸ್ಥಾನಕ್ಕೆ ಸೇರಿದಂತೆ ಎಲ್ಲಾ ಪೂಜಾ ಕಾರ್ಯಗಳನ್ನು ನಡೆಸಿಕೊಂಡು ಬಂದಿರುತ್ತಾರೆ. ಕಳೆದ ಬಾರಿ ಜನಾರ್ದನ ತಂತ್ರಿ ಇವರ ವಂಶಸ್ಥರಾದ ಅನಂತರಾಮ ತಂತ್ರಿ ಎನ್ನುವವರು ಅನುವಂಶಿಕ ಆಧಾರದಲ್ಲಿ ತಂತ್ರ ಉಪಾಧಿಕಾರಿಗಳನ್ನು ನಡೆಸಿದ್ದು ಸದ್ರಿಯವರ ಅವಧಿಯು ಕಳೆದ (2024ರ) ದೀಪಾವಳಿಯಂದು ಮುಕ್ತಾಯವಾಗಿರುತ್ತದೆ.

ಶ್ರೀ ಅನಂತರಾಮ ಅವರ ಅವಧಿ ಮುಗಿದ ನಂತರ ಮರಳಿ ಗೋಪಣ್ಣ ಅಲಿಯಾಸ್ ಕುಪ್ಪಣ್ಣ ಅಲಿಯಾಸ್ ಕುಪ್ಪಣ್ಣ ತಂತ್ರಿ ಇವರ ವಾರಸುದಾರರ ಪೈಕಿ ಯಾವುದೇ ಗಂಡು ಸಂತಾನ ಇಲ್ಲದೆ ಇರುವುದರಿಂದ ಅವರ ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಮಕ್ಕಳ ಮಕ್ಕಳಿಗೆ ಅಂದರೆ ಮೊಮ್ಮಕ್ಕಳಿಗೆ ಯಾರಿಗೂ ಅಧಿಕಾರ ಪತ್ರ ಹಕ್ಕು ನೀಡಿ ನೇಮಿಸಲು ಹಕ್ಕು ಇರುವುದಿಲ್ಲ. ಈ ಬಗ್ಗೆ ಕರ್ನಾಟಕ ಸರ್ಕಾರದ ಧಾರ್ಮಿಕ ದತ್ತಿ ಇಲಾಖೆ ಇದರ ಆಯುಕ್ತರು ಸಂಖ್ಯೆ ADMO1/CR/387/2020-21 ದಿನಾಂಕ 25-01-2021 ರ

ಸುತ್ತೋಲೆಯಂತೆ ಗೋಪಣ್ಣ ಅಲಿಯಾಸ್ ಕುಪ್ಪಣ್ಣ ತಂತ್ರಿ ಇವರ ಮೃತ ಮಗ ಕೃಷ್ಣ ತಂತ್ರಿಯವರ ಹೆಣ್ಣು ಮಕ್ಕಳ ಮಕ್ಕಳಿಗೆ ಯಾವುದೇ ರೀತಿಯ ಪೂಜಾ / ತಂತ್ರ ಉಪಾದಿಯ ಹಕ್ಕು ಇರುವುದಿಲ್ಲ. ಸದ್ರಿ ಸುತ್ತೋಲೆಯ ಪ್ರತಿಯನ್ನು ಈ ನನ್ನ ಮನವಿ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ.

ಆದುದರಿಂದ ಈ ಸುತ್ತೋಲೆಯ ಪ್ರಕಾರ ನಮ್ಮ ಕುಟುಂಬದ ಅನುವಂಶೀಯರಿಗೆ ಅಲ್ಲದೆ ಯಾವುದೇ ಮೂರನೇ ವ್ಯಕ್ತಿಗೆ ತಂತ್ರ ಉಪಾದಿಯನ್ನು ನೀಡುವುದು ಕಾನೂನಿನ ವಿರುದ್ಧವಾಗಿರುತ್ತದೆ. ಆದುದರಿಂದ ಈ ಮೇಲೆ ತಿಳಿಸಿದ ಎಲ್ಲಾ ಕಾರಣಗಳಿಂದಾಗಿ ಈ ಬಾರಿಯ ತಂತ್ರ ಉಪಾದಿ ಹಕ್ಕನ್ನು ಅನುವಂಶೀಕ ನೆಲೆಯಲ್ಲಿ ವೆಂಕಟರಮಣ ತಂತ್ರಿ ಇವರ ವಾರಸುದಾರರಾದ ನನ್ನ ಅಜ್ಜ ಶ್ರೀ ಗಣಪತಿ ತಂತ್ರಿ ಹಾಗೂ ತಂದೆ ಶ್ರೀ ವಿಠಲ ತಂತ್ರಿ ಇವರ ವಾರಸುದಾರರಾದ ನನಗೆ ನೀಡುವಂತೆ ಈ ಮೂಲಕ ಕೋರುತ್ತೇನೆ.

ಇತೀ ತಮ್ಮ ವಿಶ್ವಾಸಿ."

This having gone unheeded, the present writ petition is preferred seeking to restraint 5th respondent in performing Thantriship and a mandamus permitting the petitioner to perform poojas and religious activities at the Temple.

16. A coordinate Bench of this Court on 11-02-2025 passes the following order:

"Learned Additional Government Advocate accepts notice for respondent Nos.1 to 4.

Sri. S.K. Acharya, learned counsel undertakes to enter appearance for respondent No.5.

Learned counsel appearing for the petitioner is directed to serve copies of the writ petition papers along with annexures on the learned Additional Government Advocate as well as the learned counsel appearing for respondent No.5.

The grievance of the petitioner is directed against respondent No.5, who is said to be a person not belonging to the family of Sri. Narayana Thanthry, who has the hereditary Archakship/Tantriship of Sri. Lakshmi Janardhana Swamy temple, Mallaru Grama, Kapu, Udupi.

It is also contented that Sri. Anantarama Thanthry one of the grandsons of Sri. Narayana Thanthry through Sri. Janardhana has no doubt the right of Thantriship. However, Sri. Anantarama Thanthry is said to have made a Will dated 06.07.2023 seeking to accord the Thantriship in favour of respondent No.5, who is not a member of the family. Moreover, Sri. Anantarama Thanthry is alive and therefore, the Will cannot be acted upon.

Learned counsel appearing for respondent No.5 however submits that if the petitioner admits that Sri. Anantarama Thanthry has right of the Thantriship and he has been performing the Thantriship, there is no immediate grievance of the petitioner. It is submitted that the petitioner is seeking a writ of mandamus to restrain or prevent respondent No.5 from performing pooja rituals of Sri Lakshmi Janaradhana Swamy Temple, Kapu, as Thantri during any celebrations at the temple and more particularly during the annual celebrations commencing on 12.02.2025.

Moreover, it is submitted that the petitioner has approached the Rajya Dharmika Parishath to hear his grievance. No relief seems to have been given by the Rajya Dharmika Parishath and nothing in that regard has been stated in the writ petition.

Having regard to the admitted fact that Sri. Anantarama Thanthry belongs to the family of Sri. Narayana Thanthry and by rotation, he may have the right of Thantriship over the temple, this Court would only direct respondent No.4 - the Executive Officer of Sri. Lakshmi Janardhana Swamy Temple to ensure that there is strict compliance of Circular bearing No. ADM 01/CR/387/2020-21 dated 25.01.2021 issued by the Commissioner of Endowments and the Archakship / Thantriship shall not be handed over to a person, who is not authorized to do the Archakship / Thantriship, definitely not by

virtue of a General Power of Attorney issued by the authorized person in favour of any other person, who is not authorized to perform the pooja.

Re-list this matter on 18.02.2025.

Learned Additional Government Advocate is directed to convey the order to the Executive Officer of Sri.Lakshmi Janardhana Temple, Mallaru Grama, Kapu, Udupi."

Noticing the fact that Anantharama Thantri, the 6th respondent belongs to the family of Narayana Thantri and by rotation he has a right of Thantriship over the Temple, the Court would only direct the Executive Officer of the Temple to ensure strict compliance with the Circular dated 25-01-2021. It was further observed that Thantriship should not be handed over to a person who is not authorized and definitely not by way of a GPA. The moment this order is passed, it appears the 5th respondent who was performing Thantriship is taken off the said performance. Owing to the said fact, this Court on 25-03-2025 passes the following order directing maintenance of *status quo*:

"ORAL ORDER ON I.A.NO.2/2025

Heard Sri Aruna Shyam M. learned senior counsel appearing for the petitioner, learned Additional Government Advocate for respondent Nos.1 to 4 and Sri S.K.Acharya, learned counsel for respondent No.5 and the proposed respondent.

A coordinate bench of this Court on 11.02.2025, had passed the following order:

"Learned Additional Government Advocate accepts notice for respondent Nos.1 to 4.

Sri. S.K. Acharya, learned counsel undertakes to enter appearance for respondent No.5.

Learned counsel appearing for the petitioner is directed to serve copies of the writ petition papers along with annexures on the learned Additional Government Advocate as well as the learned counsel appearing for respondent No.5.

The grievance of the petitioner is directed against respondent No.5, who is said to be a person not belonging to the family of Sri. Narayana Thanthry, who has the hereditary Archakship/ Tanthriship of Sri. Lakshmi Janardhana Swamy temple, Mallaru Grama, Kapu, Udupi.

It is also contented that Sri. Anantarama Thanthry one of the grandsons of Sri. Narayana Thanthry through Sri. Janardhana has no doubt the right of Thantriship. However, Sri. Anantarama Thanthry is said to have made a Will dated 06.07.2023 seeking to accord the Thantriship in favour of respondent No.5, who is not a member of the family. Moreover, Sri. Anantarama Thanthry is alive and therefore, the Will cannot be acted upon.

Learned counsel appearing for respondent No.5 however submits that if the petitioner admits that Sri. Anantarama Thanthry has right of the Thantriship and he has been performing the Thantriship, there is no immediate grievance of the petitioner. It is submitted that the petitioner is seeking a writ of mandamus to restrain or prevent respondent No.5 from performing pooja rituals of Sri Lakshmi Janaradhana Swamy Temple, Kapu, as Thantri during any celebrations at the temple and more particularly during the annual celebrations commencing on 12.02.2025.

Moreover, it is submitted that the petitioner has approached the Rajya Dharmika Parishath to hear his grievance. No relief seems to have been given by the Rajya Dharmika Parishath and nothing in that regard has been stated in the writ petition.

Having regard to the admitted fact that Sri. Anantarama Thanthry belongs to the family of Sri. Narayana Thanthry and by rotation, he may have the right of Thantriship over the temple, this Court would only direct respondent No.4 - the Executive Officer of Sri. Lakshmi Janardhana Swamy Temple to ensure that there is strict compliance of Circular bearing No. ADM 01/CR/387/2020-21 dated 25.01.2021 issued by the Commissioner of Endowments and the Archakship / Thantrishp shall not be handed over to a person, who is not authorized to do the Archakship / Thantriship, definitely not by virtue of a General Power of Attorney issued by the authorized person in favour of any other person, who is not authorized to perform the pooja.

Re-list this matter on 18.02.2025.

Learned Additional Government Advocate is directed to convey the order to the Executive Officer of Sri.Lakshmi Janardhana Temple, Mallaru Grama, Kapu, Udupi."

Taking cue from this order, a day prior to the said order, an order is passed which is communicated to one Anantharama Thanthry. The effect of the order is dislodging the 5th respondent.

Anantharama Thanthry has preferred an impleading application seeking impleadment as party respondent into these proceedings.

Sri S.K.Acharya, learned counsel for respondent No.5 would submit that he would also appear for the impleading applicant as well; impleading application be allowed and the proposed respondent – Anantharama Thanthry be heard in the matter.

In the light of the said circumstance and for the reasons indicated in the affidavit accompanying the application and being satisfied with the same, impleading application – I.A.No.2/2025 stands allowed.

The petitioner to amend the cause title forthwith.

The matter requires to be heard.

The parties to maintain status quo as obtaining today, in whatever positions they are and whatever pooja they are performing, pursuant to the respective orders granted in their favour, till the next date of hearing.

List this matter on 17.04.2025."

The issue now would be, whether the 6th respondent Anantharama Thantri should be permitted to perform and complete the *paryaya*.

17. Anantharam Thantri no doubt is belonging to the family of Thantri. The petitioner also belongs to the family of Thantri. He is now performing Thantriship of the turn of late Bhageerathamma, which ought to have been handed over to the 6th respondent. It is the 6th respondent's turn now to perform Thantriship till the *paryaya* of the petitioner comes about. Therefore, the petition which seeks a mandamus to permit the petitioner to perform Thantriship cannot be acceded to. The petitioner can only perform Thantriship at the time when his turn would emerge. The Circular quoted *supra* should be adhered to by the State and also the Managing Committee of the Temple and not generate litigation on passing orders upturning the sanctified rhythm that has withstood

the test of time for more than a century today, and the trinity of rotation, close to 6 decades. In the culmination of the aforesaid reflections, the following:

ORDER

- (i) Writ Petition is disposed of.
- (ii) It is hereby declared that the petitioner shall not perform duties of Thantriship until completion of the ongoing term of the 6th respondent-Anantharama Thantri. However, should Anantharam Thantri become unable to perform the duties of Thantriship, it shall not descend upon any outsider, but only to a legitimate member of a traditional Thantri lineage, who have been performing duties of Thantri, on rotation basis for the last 53 years.
- (iii) The Executive Officer of the Temple is directed to ensure that the Thantriship continues strictly on the basis of established rotational order among the three family branches and in accordance with the Circular of the State dated 25-01-2021. Any attempt to assign Thantriship via power of attorney or any similar instruments in favour of

non-family members/a third party, shall be viewed seriously, as it would run counter to law.

Consequently, pending applications if any, also stand disposed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

bkp
CT:SS