

Reserved on : 19.06.2025
Pronounced on : 25.06.2025



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.16971 OF 2025 (GM – CPC)

C/W

WRIT PETITION No.17445 OF 2025 (GM – CPC)

WRIT PETITION No.16223 OF 2025 (GM – CPC)

IN WRIT PETITION No.16971 OF 2025

BETWEEN:

- 1 . SRI S.PANCHALINGU
S/O LATE SINGRIGOWDA
AGED ABOUT 74 YEARS
RESIDING AT
2ND CROSS, ASHOKNAGAR
MANDYA CITY – 571 401.
- 2 . SRI K.N.NAGARAJU
S/O LATE NINGAIAH
AGED ABOUT 73 YEARS
RESIDENT OF
KYATHUMGERE VILLAGE
KOTHATHI HOBLI
MANDYA TALUK - 571 403.

- 3 . SRI D.S. SAMPATH KUMAR NAIDU
S/O LATE D.T. SUBBARAYAPPA
AGED ABOUT 69 YEARS
RESIDING AT:
NO.3455, 5TH CROSS
10TH MAIN, INDIRANAGAR
2ND STAGE, FUSION INK
BENGALURU – 560 038.

... PETITIONERS

(BY SMT.SRUTI CHAGANTI, ADVOCATE)

AND:

- 1 . PEOPLE'S EDUCATION TRUST (R)
MANDYA
B.ED. COLLEGE BUILDING PET CAMPUS
K.V.SHANKAREGOWDA ROAD
MANDYA - 571 401
REPRESENTED BY ITS SECRETARY
S.L. SHIVAPRASAD.
- 2 . SRI K.S.VIJAY ANAND
S/O LATE S.SACHIDANANDA
AGED ABOUT 41 YEARS
RESIDING AT: 1405/1, 'SHIVAYOGA NILAYA'
1ST CROSS, BANDIGOWDA LAYOUT
MANDYA CITY – 571 401.
- 3 . SRI BASAVIAIAH
S/O LATE REVAIAH
AGED ABOUT 73 YEARS
RESIDING AT 3RD MAIN ROAD
OPP. MAHILA SAMAJA
ASHOKNAGAR
MANDYA CITY - 571 401.

- 4 . SRI M.B.SHRIDHAR
S/O LATE BOREGOWDA
AGED ABOUT 73 YEARS
RESIDENT OF
MARAGOWDANAHALLI VILLAGE
KERAGODU HOBLI
MANDYA TALUK – 571 401.
- 5 . SRI S.L.SHIVAPRASAD
S/O LATE S.C.LINGAIAH
AGED ABOUT 77 YEARS
RESIDING AT
"MATHOSHREE"
NO.1362, 2ND CROSS
BANDIGOWDA LAYOUT
MANDYA CITY – 571 401.
- 6 . SRI K.R.DAYANANDA
S/O LATE K.S.RAMEGOWDA
AGED ABOUT 65 YEARS
RESIDING AT: "HASIRASIRI"
KARADAHALLI VILLAGE
DEVALAPURA HOBLI
NAGAMANGALA TALUK – 571 432.
- 7 . SRI H.P.RAVISHANKAR
S/O LATE PAPANNAGOWDA
AGED ABOUT 60 YEARS
RESIDING AT: "RUCHIRA"
NO.2265, 12TH A CROSS
APMC ROAD, V.V.NAGAR
MANDYA CITY – 571 401.
- 8 . SRI H.C. MOHANKUMAR
S/O LATE H.D.CHOWDALAH
AGED ABOUT 66 YEARS
RESIDING AT:
NO.2038, 2ND CROSS

SUBHASHNAGAR
MANDYA CITY – 571 401.

- 9 . SRI M.B. BOREGOWDA
S/O BOREGOWDA
AGED ABOUT 82 YEARS
RESIDENT OF
MALLANAYAKANAKATTE VILLAGE
DUDDA HOBLI
MANDYA TALUK - 571 405.
- 10 . SRI A.M. CHANDRAMOHAN
S/O LATE P.MALLAIAH
AGED ABOUT 78 YEARS
RESIDING AT:
NO.2020, 2ND CROSS
SUBHASHNAGAR
MANDYA CITY – 571 401.
- 11 . SRI SINGRIGOWDA
S/O LATE SINGRIGOWDA
AGED ABOUT 85 YEARS
RESIDING AT
NO.1427, 2ND CROSS
MANDYA CITY – 571 401.
- 12 . SRI R.M. SUBBEGOWDA
S/O LATE MOOGUREGOWDA
AGED ABOUT 73 YEARS
RESIDING AT: 4TH CROSS,
K. MARIGOWDA EXTENSION
NEAR KALEGOWDA HIGH SCHOOL
MANDYA CITY – 571 401.
- 13 . SRI K.P. KANTHA
AGED ABOUT 91 YEARS
RESIDING AT
ANNAPOORNESHWARINAGAR

KYATHUMGERE NEW EXTENSION
CHANNEL DOWN
MANDYA CITY – 571 401.

- 14 . SMT. CHANDRAKALA SHIVANANDA
W/O LATE SHIVANAND
AGED ABOUT 58 YEARS
RESIDING AT:
"PRITHVI NILAYA"
KALEGWODA HIGH SCHOOL ROAD
KL-218, MARIGOWDA EXTENSION
MANDYA CITY - 571 401.
- 15 . SRI H.V.JAYARAM
S/O H.V. VEEREGOWDA
AGED ABOUT 84 YEARS
RESIDING AT
1ST CROSS
BANDIGOWDA LAYOUT
MANDYA CITY – 571 401.
- 16 . SRI K.V. MUDDEGOWDA
S/O LATE VEERAPPA
AGED ABOUT 75 YEARS
RESIDENT OF
KEELARA VILLAGE
KERAGODU HOBLI
MANDYA TALUK – 571 450.
- 17 . SRI C.MADAPPA
S/O LATE PAPEGOWDA
AGED ABOUT 80 YEARS
RESIDENT OF:
H.MALLIGERE VILLAGE
DUDDA HOBLI
MANDYA TALUK – 571 402.

- 18 . DR.B.N.PRABHAVATHI
W/O DR. T.CHANDRASHEKAR
AGED ABOUT 66 YEARS
RESIDING AT:
NO.1513, 'PRAGATHI NILAYA'
GENERAL HOSPITAL ROAD
ASHOKNAGAR
MANDYA CITY – 571 401.
- 19 . SRI H.L.SHIVANNA
S/O LATE LINGEGOWDA
AGED ABOUT 80 YEARS
RESIDENT OF:
HOLALU VILLAGE
DUDDA HOBLI
MANDYA TALUK – 571 402.
- 20 . SRI K.C.SUDHARSHAN
S/O LATE CHANNAPPA
AGED ABOUT 63 YEARS
RESIDING AT:
NO.680, 14TH CROSS
4TH BLOCK, HMT LAYOUT
VIDYARANYAPURAM
BENGALURU – 560 097.
- 21 . SRI N.L.SATHISH
S/O LATE N.LINGAIAH
AGED ABOUT 68 YEARS
RESIDING AT:
NO.497, "LATHAKUNJA"
VINOBA ROAD
SUBHASHNAGAR
MANDYA CITY – 571 401.
- 22 . SRI RAJENDRA M.T.
S/O THIMMEGOWDA
AGED ABOUT 53 YEARS

ADVOCATE
RESIDENT OF:
MUTTANAHALLI VILLAGE
C.A. KERE HOBLI
MADDUR TALUK.

23 . SRI NAVEENA
S/O NARASIMHAGOWDA
AGED ABOUT 51 YEARS
ADVOCATE
RESIDENT OF:
THUBINAKERE VILLAGE
KOTHATHI HOBLI
MANDYA TALUK – 571 402
NOW RESIDING AT: NO. 28,
E AND F BLOCK
7TH CROSS, RAMAKRISHNA NAGAR
MYSURU – 570 022.

24 . SRI. MAHENDRA N.P.
S/O PUTTEGOWDA
AGED ABOUT 43 YEARS
ADVOCATE
RESIDENT OF:
NERALAKERE VILLAGE
SRIRANGAPATNA TALUK - 571 415
NOW RESIDING AT:
NO.5, 1ST FLOOR
VENKATAIAH BUILDING
HOSAHALLI ROAD
MANDYA CITY – 571 401.

... RESPONDENTS

(BY SRI ASHOK HARANAHALLI, SR.ADVOCATE A/W
SRI ANOOP HARANAHALLI, ADVOCATE FOR C/R-1 AND R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND
227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE

ORDER DATED 11.06.2025 PASSED IN MISC.NO.26/2025 BY THE LEARNED PRINCIPAL DISTRICT AND SESSIONS JUDGE, MANDYA PRODUCED HERewith AS ANNEXURE-M TO THE EXTENT IT MODIFIES THE ORDER DATED 02/05/2025 PASSED IN THE SAME PROCEEDINGS PRODUCED HERewith AS ANNEXURE-F; ALLOW IA NO. 10 FILED BY THE PETITIONER IN MISC.NO.26/2025 BEFORE THE LEARNED PRINCIPAL DISTRICT AND SESSIONS JUDGE, MANDYA PRODUCED HERewith AS ANNEXURE-J.

IN WRIT PETITION No.17445 OF 2025

BETWEEN:

- 1 . PEOPLES EDUCATION TRUST (REGD)
MANDYA
B.ED COLLEGE BUILDING PET CAMPUS
K.V. SHANKAREGOWDA ROAD,
MANDYA – 571 401
REPRESENTED BY ITS SECRETARY
S.L.SHIVAPRASAD.
 - 2 . SRI VIJAY ANAND,
S/O LATE S. SACHIDANANDA,
AGED ABOUT 41 YEARS,
RESIDING AT: NO.1405/1, 'SHIVAYOGA NILAYA',
1ST CROSS, BANDIGOWDA LAYOUT,
MANDYA CITY – 471 401.
 - 3 . SRI S.L. SHIVAPRASAD,
S/O LATE S.C. LINGAIAH,
AGED ABOUT 77 YEARS,
RESIDING AT 'MATHOSHREE',
NO.1362, 2ND CROSS,
BANDIGOWDA LAYOUT,
MANDYA CITY – 571 401
- ... PETITIONERS
- (BY SRI ASHOK HARANAHALLI, SR.ADVOCATE A/W

SRI ANOOP HARANAHALLI, ADVOCATE

AND:

- 1 . SRI S.PANCHALINGU,
S/O LATE SINGRIGOWDA,
AGED ABOUT 74 YEARS,
RESIDING AT:
2ND CROSS, ASHOKNAGAR,
MANDYA CITY – 571 401.
- 2 . SRI K.N.NAGARAJU
S/O LATE NINGAIAH
AGED ABOUT 73 YEARS
RESIDENT OF
KYATHUMGERE VILLAGE
KOTHATHI HOBLI
MANDYA TALUK - 571 403.
- 3 . SRI D.S.SAMPATHKUMARANAIDU,
S/O LATE D.T. SUBBRAYAPPA,
AGED ABOUT 69 YEARS,
RESIDING AT: NO.3455,
5TH CROSS, 10TH MAIN,
INDIRANAGAR, 2ND STAGE,
FUSION INK,
BENGALURU – 560 038.
- 4 . SRI BASAVIAIAH,
S/O LATE REVAIAH,
AGED ABOUT 73 YEARS,
RESIDING AT 3RD MAIN ROAD,
OPP. MAHILA SAMAJA,
ASHOK NAGAR,
MANDYA CITY – 571 401.

- 5 . SRI M.B.SHRIDHAR,
S/O LATE BOREGOWDA,
AGED ABOUT 73 YEARS,
RESIDING AT:
MARAGOWDANAHALLI VILLAGE,
KARAGODU HOBLI,
MANDYA TALUK – 571 401.
- 6 . SRI K.R.DAYANANDA,
S/O LATE K.S.RAMEGOWDA,
AGED ABOUT 65 YEARS,
RESIDING AT: 'HASIRASIRI',
KARADAHALLI VILLAGE,
DEVALAPURA HOBLI,
NAGAMANGALA TALUK – 571 432.
- 7 . SRI H.P. RAVISHANKAR,
S/O LATE PAPANNAGOWDA,
AGED ABOUT 60 YEARS,
RESIDING AT 'RUCHIRA',
NO.2265, 12TH A CROSS,
APMC ROAD, V.V.NAGAR,
MANDYA CITY – 571 401.
- 8 . SRI H.C.MOHANKUAMR,
S/O LATE H.D.CHOWDAIAH,
AGED ABOUT 65 YEARS,
RESIDING AT:NO.2038, 2ND CROSS,
SUBHASHNAGAR,
MANDYA CITY – 571 401.
- 9 . SRI. M.B.BOREGOWDA,
S/O BOREGOWDA,
AGED ABOUT 82 YEARS,
RESIDING AT:
MALLANAYAKANAKATTE VILLAGE,
DUDDA HOBLI, MANDYA TALUK – 571 405.

- 10 . SRI A.M. CHANDRAMOHAN,
S/O LATE P.MALLAIAH,
AGED ABOUT 78 YEARS,
RESIDING AT:
NO.2020, 2ND CROSS,
SUBHASHNAGAR,
MANDYA CITY – 571 401.
- 11 . SRI SINGRIGOWDA,
S/O LATE SINGRIGOWDA,
AGED ABOUT 85 YEARS,
RESIDING AT:NO.1427,
2ND CROSS, BANDHIGOWDA LAYOUT,
MANDYA CITY – 571 401.
- 12 . SRI R.M.SUBBEGOWDA,
S/O LATE MOOGUREGOWDA,
AGED ABOUT 73 YEARS,
RESIDING AT:
4TH CROSS, K.MARIGOWDA EXTENSION,
NEAR KALEGOWDA HIGH SCHOOL,
MANDYA CITY – 571 401.
- 13 . SRI K.P.KANTHA,
AGED ABOUT 91 YEARS,
RESIDING AT:
ANNAPOORNESHWARINAGAR,
KYATHUMGERE NEW EXTENSION,
CHANNEL DOWN,
MANDYA CITY – 571 401.
- 14 . SMT. CHANDRAKALA SHIVANANDA,
W/O LATE SHIVANAND,
AGED ABOUT 58 YEARS,
RESIDING AT”
‘PRITHVI NILAYA’.
KALEGOWDA HIGH SCHOOL ROAD,
KL-218, MARIGOWDA EXTENSION,

MANDYA CITY – 571 401.

- 15 . SRI H.V.JAYARAM,
S/O H.V. VEEREGOWDA,
AGED ABOUT 84 YEARS,
RESIDING AT
1ST CROSS, BANDIGOWDA LAYOUT,
MANDYA CITY – 571 401.
- 16 . SRI K.V.MUDDEGOWDA,
S/O LATE VEERAPPA,
AGED ABOUT 75 YEARS,
RESIDING AT: KEELARA VILLAGE,
KERAGODU HOBLI,
MANDYA TALUK – 571 450.
- 17 . SRI C.MADAPPA,
S/O LATE PAPEGOWDA,
AGED ABOUT 80 YEARS,
RESIDING AT: H.MALLIGERE VILLAGE,
DUDDA HOBLI,
MANDYA TALUK – 571 402.
- 18 . DR. B.N.PRABHAVATHI,
W/O DR.T.CHANDRASHEKAR,
AGED ABOUT 66 YEARS,
RESIDING AT: NO.1513,
'PRAGATHI NILAYA'.
GENERAL HOSPITAL ROAD,
ASHOKNAGAR,
MANDYA CITY – 571 401.
- 19 . SRI H.L.SHIVANNA,
S/O LATE LINGEGOWDA,
AGED ABOUT 80 YEARS
RESIDING AT:
HOLALU VILLAGE,
DUDDA HOBLI,

MANDYA TALUK – 571 402.

- 20 . SRI K.C.SUDHARSHAN,
S/O LATE CHANNAPPA,
AGED ABOUT 63 YEARS,
RESIDING AT: NO.680, 14TH CROSS,
4TH BLOCK, HMT LAYOUT,
VIDYARANYAPURAM,
BENGALURU – 560 097.
- 21 . SRI N.L.SATHISH.
S/O LATE N. LINGAIAH,
AGED ABOUT 68 YEARS.
RESIDING AT
NO.497, 'LATHAKUNJA'
VINOBA ROAD, SUBHASHNAGAR,
MANDYA CITY – 571 401.
- 22 . SRI RAJENDRA M.T.
S/O THIMMEGOWDA,
AGED ABOUT 53 YEARS,
ADVOCATE,
RESIDENT OF:
MUTTANAHALLI VILLAGE,
C.A.KERE HOBLI,
MADDUR TALUK – 571 422.
- 23 . SRI NAVEENA,
S/O NARASIMHAGOWDA,
AGED ABOUT 51 YEARS,
ADVOCATE,
RESIDENT OF:
THUBINAKERE VILLAGE,
MANDYA TALUK – 571 402.
NOW RESIDING AT
NO.28, E ANDF BLOCK,
7TH CROSS RAMAKRISHNA NAGAR,
MYSURU – 570 022.

24 . SRI MAHENDRA N.P.,
S/O PUTTEGOWDA,
AGED ABOUT 43 YEARS,
ADVOCATE, NERALAKERE VILLAGE,
SRIRANGAPATNA TALUK – 571 415.

NOW RESIDING AT:
NO.5, 1ST FLOOR,
VENKATAIAH BUILDING,
HOSAHALLI ROAD,
MANDYA CITY – 571 401.

... RESPONDENTS

(BY SMT.SRUTI CHAGANTI, ADVOCATE FOR R-1 TO R-3))

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD.
02.05.2025 PASSED BY THE PRINCIPAL DISTRICT AND SESSIONS
JUDGE MANDYA IN MISC NO. 26/2025 AT ANNEX-A.

IN WRIT PETITION No.16223 OF 2025

BETWEEN:

- 1 . SRI S.PANCHALINGU
S/O LATE SINGRIGOWDA,
AGED ABOUT 77 YEARS,
R/AT 2ND CROSS,
ASHOKNAGAR,
MANDYA CITY – 571 401.
- 2 . SRI K.N. NAGARAJU,
S/O LATE NINGAIAH,
AGED ABOUT 73 YEARS,
R/AT KYATHUMGERE VILLAGE,
KOTHATHI HOBLI,

MANDYA TALUK – 571 401.

- 3 . SRI D.S. SAMPATHKUMARNAIDU,
S/O LATE D.T.SUBBARAYAPPA,
AGED ABOUT 69 YEARS,
R/AT NO.3455, 5TH CROSS, 10TH MAIN,
INDIRANAGAR,
BENGALURU – 560 038.

... PETITIONERS

(BY SMT.MAITREYI KRISHNAN, ADVOCATE)

AND:

- 1 . PEOPLE'S EDUCATION TRUST (R)
MANDYA
B. ED COLLEGE BUILDING PET CAMPUS,
K.V.SHANKAREGOWDA ROAD,
MANDYA – 571 401
REPRESENTED BY ITS SECRETARY
S.L. SHIVAPRASAD.
INCORPORATED UNDER EDUCATION ACT.
- 2 . SRI K.S. VIJAY ANAND,
S/O LATE S.SACHIDANANDA,
AGED ABOUT 41 YEARS,
R/AT NO.1405/1, 'SHIVAYOGA NILAYA'
1ST CROSS, BANDIGOWDA LAYOUT,
MANDYA CITY – 571 401.
- 3 . SRI BASAVIAIAH,
S/O LATE REVAIAH,
AGED ABOUT 73 YEARS,
R/AT 3RD MAIN ROAD,
OPP. MAHILA SAMAJA,
ASHOKNAGAR,

MANDYA CITY – 571 401.

- 4 . SRI M.B.SHRIDHAR,
S/O LATE BOREGOWDA,
AGED ABOUT 73 YEARS,
R/AT MARAGOWDANAHALLI VILLAGE,
KERAGODU HOBLI,
MANDYA TALUK – 571 401.
- 5 . SRI S.L.SHIVAPRASAD.,
S/O LATE S.C.LINGAIAH,
AGED ABOUT 77 YEARS,
R/AT "MATHOSHREE", NO.1362,
2ND CROSS, BANDIGOWDA LAYOUT,
MANDYA CITY – 571 401.
- 6 . SRI.K.R.DAYANANDA,
S/O LATE K.S.RAMEGOWDA,
AGED ABOUT 65 YEARS,
R/AT "HASIRASIRI",
KARADAHALLI VILLAGE,
DEVALAPURA HOBLI,
NAGAMANGALA TALUK – 571 401.
- 7 . SRI H.P.RAVISHANKAR,
S/O LATE PAPANNAGOWDA,
AGED ABOUT 60 YEARS,
R/AT "RUCHIRA"
NO.2265, 12TH A CROSS,
APMC ROAD, V.V.NAGAR,
MANDYA CITY – 571 401.
- 8 . SRI H.C. MOHANKUMAR,
S/O LATE H.D.CHOWDAIAH,
AGED ABOUT 66 YEARS,
R/AT NO.2038, 2ND CROSS,
SUBHASHNAGAR,
MANDYA CITY – 571 401.

- 9 . SRI M.B. BOREGOWDA,
S/O BOREGOWDA,
AGED ABOUT 82 YEARS,
R/AT MALLANAYAKANAKATTE VILLAGE,
DUDDA HOBLI,
MANDYA TALUK – 571 401.
- 10 . SRI A.M.CHANDRAMOHAN,
S/O LATE P.MALLAIAH,
AGED ABOUT 78 YEARS,
R/AT NO.2020, 2 CROSS,
SUBHASHNAGAR,
MANDYA CITY – 571 401.
- 11 . SRI SINGRIGOWDA,
S/O LATE SINGRIGOWDA,
AGED ABOUT 85 YEARS,
R/AT NO.1427, 2ND CROSS,
BANDHIGOWDA LAYOUT,
MANDYA CITY – 571 401.
- 12 . SRI R.M.SUBBEGOWDA,
S/O LATE MOOGUREGOWDA,
AGED ABOUT 73 YEARS,
R/AT 4TH CROSS,
K.MARIGOWDA EXTENSION,
NEAR KALEGOWDA HIGH SCHOOL,
MANDYA CITY – 571 401.
- 13 . SRI.K.P.KANTHA,
AGED ABOUT 91 YEARS,
R/AT ANNAPOORNESHWARINAGAR,
KYATHUMGERE NEW EXTENSION,
CHANNEL DOWN,
MANDYA CITY – 571 401.
- 14 . SMT. CHANDRAKALA SHIVANANDA,
W/O LATE SHIVANAND,

AGED ABOUT 58 YEARS,
R/AT "PRITHVI NILAYA",
KALEGOWDA HIGH SCHOOL ROAD,
KL-218, MARIGOWDA EXTENSION,
MANDYA CITY 571 401.

- 15 . SRI H.V.JAYARAM,
S/O H.V. VEEREGOWDA,
AGED ABOUT 84 YEARS,
R/AT 1st CROSS,
BANDIGOWDA LAYOUT,
MANDYA CITY – 571 401.
- 16 . SRI K.V.MUDDEGOWDA,
S/O LATE VEERAPPA,
AGED ABOUT 75 YEARS,
R/AT KEELARA VILLAGE,
KERAGODU HOBLI,
MANDYA TALUK – 571 401.
- 17 . SRI.C.MADAPPA,
S/O LATE PAPEGOWDA,
AGED ABOUT 80 YEARS,
R/AT H.MALLIGERE VILLAGE,
DUDDA HOBLI,
MANDYA TALUK – 571 401.
- 18 . DR.B.N.PRABHAVATHI,
W/O DR. T.CHANDRASHEKAR,
AGED ABOUT 66 YEARS,
R/AT NO.1513, 'PRAGATHI NILAYA',
GENERAL HOSPITAL ROAD,
ASHOKNAGAR,
MANDYA CITY – 571 401.
- 19 . SRI H.L.SHIVANNA,
S/O LATE LINGEGOWDA,
AGED ABOUT 80 YEARS,

R/AT HOLALU VILLAGE,
DUDDA HOBLI,
MANDYA TALUK – 571 401.

20 . SRI.K.C.SUDHARSHAN,
S/O LATE CHANNAPPA,
AGED ABOUT 63 YEARS,
R/AT NO.680, 14TH CROSS, 4TH BLOCK,
HMT LAYOUT, VIDYARANYAPURAM,
BENGALURU - 97.

21 . SRI N.L.SATHISH,
S/O LATE N.LINGAIAH,
AGED ABOUT 68 YEARS,
R/AT NO.497, "LATHAKUNJA"
VINOBA ROAD, SUBHASHNAGAR,
MANDYA CITY – 571 401.

... RESPONDENTS

(BY SRI ASHOK HARANAHALLI, SR.ADVOCATE A/W
SRI ANOOP HARANAHALLI, ADVOATE FOR C/R-1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO 1. ISSUE A WRIT, ORDER, OR DIRECTION IN THE NATURE OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT OR ORDER TO MODIFY THE ORDER PASSED BY THE LEARNED PRINCIPAL DISTRICT AND SESSIONS JUDGE AT MANDYA (ANNEXURE A), BY PROVIDING NECESSARY GUIDELINES FOR THE FUNCTIONING OF THE AD-HOC COMMITTEE CONSTITUTED BY THE LEARNED TRIAL COURT, INCLUDING A DIRECTION THAT ALL DECISIONS SHALL BE TAKEN BY THE MAJORITY OF THE COMMITTEE, AND RESTRAINING RESPONDENT NOS. 2 AND 5 FROM TAKING ANY DECISIONS ON BEHALF OF THE RESPONDENT NO. 1 TRUST.

THESE WRIT PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 19.06.2025, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

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

CAV ORDER

The parties to the *lis* in the batch of these petitions, are common. The grievance relates to certain orders passed by Principal District and Sessions Judge, Mandya in Miscellaneous No.26 of 2025. Petitioners/defendants in few of the cases and petitioners/plaintiffs, in other cases are before this Court calling in question orders dated 02-05-2025 and 11-06-2025 passed in the aforesaid miscellaneous petition by the District Court.

2. Heard Smt Sruti Chaganti, learned counsel appearing for petitioners in W.P.No.16971 of 2025 and respondents 1 to 3 in W.P.No.17445 of 2025; Smt Maitreyi Krishnan, learned counsel appearing for petitioners in W.P.No.16223 of 2025; and Sri Ashok Haranahalli, learned senior counsel appearing for respondents 1 to 5 in W.P.No.16971 of 2025, for petitioners in W.P.No.17445 of 2025 and for respondent No.1 in W.P.No.16223 of 2025.

3. For the sake of convenience, facts as narrated in Writ Petition No.16971 of 2025 would be narrated.

Sans details brief facts are as follows:-

The 1st respondent is People's Education Trust (R), Mandya ('PES' for short) which runs several educational institutions. On 11-07-1988 a trust deed is executed by the 1st respondent/Trust and thereon Rules and Bye-laws are framed. Venting out certain grievances, the petitioners three in number approached the District Court by filing a suit under Section 92 of the CPC, a scheme suit for the purpose of framing a Scheme for proper governance and administration of the trust. Along with the plaint, an application is filed seeking leave to institute the suit. Another application in I.A.No.II is preferred under Order 39 Rules 1 and 2 of the CPC seeking order of restraint restraining the Trust and its Members or the nominated President of the Trust from functioning or continuing as such for any further period without being elected by way of secret ballot. The said application is preferred on 21-03-2025. On 28-03-2025, it appears that a resolution is passed by the trustees continuing the 2nd respondent as the President and making the

same outcome of the subject proceedings instituted invoking Section 92 of the CPC.

4. An application again is preferred in I.A.No.IV of 2025 under Section 151 of the CPC seeking a direction to conduct elections by a secret ballot. All these applications are pending. The concerned Court by its order dated 02-05-2025 passes an interim order constituting an ad hoc committee consisting of all the trustees for governing the trust and a direction issued to respondents 2 and 5 to submit daily reports to the Court and restraining them from using their designation as President and Secretary. A writ petition comes to be filed in Writ Petition No.16223 of 2025 seeking modification of the interim order dated 02-05-2025 to delineate the working procedure for the ad hoc committee and restraining respondents 2 and 5 from taking decisions as President and Secretary of the Trust. After service of copy of the writ petition, the matter was listed before the Court on 06-06-2025. The concerned Court then directs the matter to be listed on 11-06-2025. On 11-06-2025 on the score that a writ petition, as aforesaid is pending and no order is passed in the writ petition or notice being issued, the Court modifies the

order. The modification of the order is challenged in the subject writ petition. The very order passed on 02-05-2025 as modified on 11-06-2025 is challenged in the companion petition.

SUBMISSION:

Petitioners:

5. The learned counsel appearing for the petitioners Smt. Sruti Chaganti would vehemently contend that the Court does have the power to pass interim orders on a suit being preferred under Section 92 of the CPC, if those orders are warranted and urgent to protect the interest of the Trust. She would further contend that in furtherance of such power, a receiver also can be appointed under Order 40 Rule 1 of the CPC and the Court has exactly done what is contemplated in law. She would further contend on merits of the matter as to how the trustees are misusing the funds of the trust and therefore, seeks the order dated 02-05-2025 to be restored and a direction be issued to two of the respondents that they should not take decisions as President and Secretary of the Trust. In effect, the learned counsel seeks the

petition be allowed whole hog. She would seek to place reliance on certain judgments of this Court and other High Courts to buttress her submission with regard to the power of the Court to pass interlocutory orders, notwithstanding statutory compliance of Section 92 of the CPC. The same would merit consideration in the course of the order *qua* their relevance.

Respondents:

6. Per contra, learned senior counsel Sri Ashok Haranahalli representing the respondents would refute the submissions to contend that when a suit is instituted under Section 92 CPC which is a Scheme suit, unless the Court grants leave and registers the suit, no interlocutory orders can be passed by the concerned Court. The application for leave is still pending adjudication before the concerned Court which is presented along with the plaint. Pending such consideration, the Court has no power to go on passing interlocutory orders appointing ad hoc committee, as the Court would get jurisdiction only after leave being granted and the suit being registered. The learned senior counsel would submit that writ petitions challenging the order dated 02-05-2025 and 11-06-2025

must be allowed and orders set aside as they are *non est* in the eye of law. The learned senior counsel would place reliance upon a judgment of the coordinate Bench in Writ Petition No.9267 of 2022 to contend that the entire issue stands answered by the coordinate Bench and the petitions filed by them will have to be allowed.

Rejoinder submissions of the Petitioners:

7. The learned counsel for the petitioners would now place reliance upon the judgment of the Apex Court in the case of **BHUPINDER SINGH v. JOGINDER SINGH**¹ to contend that the Court can pass an order if it is emergent. The learned counsel would further contend that judgment of the coordinate Bench referred to by the learned senior counsel is per incuriam, as it does not consider the purport of Section 92 itself. If a suit is filed under Section 26 CPC and an application filed thereon under Order 39 Rules 1 and 2 CPC it can be considered even without the appearance of the respondents, as an ex-parte measure to preserve *status quo*. A suit filed under Section 92 CPC would stand on the

¹ **(2020) 18 SCC 243**

same footing. Interlocutory orders are permissible to be passed under Order 40 Rule 1 of the CPC.

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

9. The issues that fall for consideration in the *lis* are –

- (i) **Whether filing of a suit under Section 92 CPC would amount to registration of the suit or institution of the suit?**
- (ii) **Whether the concerned Court does have power to pass interlocutory orders without compliance with the mandate of Section 92 CPC i.e., grant of leave?**

Since the issues are intertwined, they are collectively answered.

Issue Nos.(i) & (ii):

10. The afore-narrated facts and link in the chain of events are all a matter of record. The issue is with regard to a Scheme

suit filed under Section 92 of the CPC. Section 92 of the CPC reads as follows:

"92. Public charities.—(1) In the case of any alleged breach of any express or constructive trust created for public purposes of a charitable or religious nature, or where the direction of the Court is deemed necessary for the administration of any such trust, the Advocate-General, or **two or more persons having an interest in the trust and having obtained the leave of the Court, may institute a suit**, whether contentious or not, in the principal Civil Court of original jurisdiction or in any other Court empowered in that behalf by the State Government within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a decree—

- (a) removing any trustee;**
- (b) appointing a new trustee;**
- (c) vesting any property in a trustee;**
- (cc) directing a trustee who has been removed or a person who has ceased to be a trustee, to deliver possession of any trust property in his possession to the person entitled to the possession of such property;**
- (d) directing accounts and inquiries;**
- (e) declaring what proportion of the trust property or of the interest therein shall be allocated to any particular object of the trust;**
- (f) authorising the whole or any part of the trust property to be let, sold, mortgaged or exchanged;**
- (g) settling a scheme; or**
- (h) granting such further or other relief as the nature of the case may require.**

(2) Save as provided by the Religious Endowments Act, 1863 (20 of 1863), or by any corresponding law in force in the territories which, immediately before the 1st November, 1956, were comprised in Part B States, no suit claiming any of the reliefs specified in sub-section (1) shall be instituted in respect of any such trust as is therein referred to except in conformity with the provisions of that sub-section.

(3) The Court may alter the original purposes of an express or constructive trust created for public purposes of a charitable or religious nature and allow the property or income of such trust or any portion thereof to be applied *cy pres* in one or more of the following circumstances, namely:—

- (a) where the original purposes of the trust, in whole or in part,—
 - (i) have been, as far as may be, fulfilled; or
 - (ii) cannot be carried out at all, or cannot be carried out according to the directions given in the instrument creating the trust or, where there is no such instrument, according to the spirit of the trust; or
- (b) where the original purposes of the trust provide a use for a part only of the property available by virtue of the trust; or
- (c) where the property available by virtue of the trust and other property applicable for similar purposes can be more effectively used in conjunction with, and to that end can suitably be made applicable to any other purpose, regard being had to the spirit of the trust and its applicability to common purposes; or
- (d) where the original purposes, in whole or in part, were laid down by reference to an area which then was, but has since ceased to be, a unit for such purposes; or
- (e) where the original purposes, in whole or in part, have, since they were laid down,—
 - (i) been adequately provided for by other means, or
 - (ii) ceased, as being useless or harmful to the community, or
 - (iii) ceased to be, in law, charitable, or

- (iv) ceased in any other way to provide a suitable and effective method of using the property available by virtue of the trust, regard being had to the spirit of the trust."

(Emphasis supplied)

The Mandate of Section 92, *inter alia* is when two or more persons come together and institute a suit, in the nature of a Scheme, to protect the interest or functioning of the trust, which according to them is being run contrary to public interest, **it becomes a suit not merely by filing; it becomes a suit when the concerned Court grants leave to institute the suit.** The mandate of Section 92 is thus, a suit gets life, only when the Court grants leave. **Without the Court granting leave, after hearing the parties, the said suit is stillborn, no right gets crystalized in favour of plaintiffs, who prefer to institute a scheme suit to insist on the Court to pass interlocutory orders, pending application, seeking grant of leave.** The mandate of Section 92 is thus a jurisdictional issue. The District Court before whom the plaint is presented would get jurisdiction only on grant of leave. In the case at hand, the application seeking leave is still pending consideration. Therefore, the plaint has not turned itself

into a suit, as it still remains as a plaint. On a plaint which is yet to get leave to become a suit, the Court goes on passing certain orders. The emergent situation noticed by the Court, shocks the conscience of this Court. The concerned Court, on 02-05-2025, passes the following order:

"Case is called.

The petitioner No.1 to 3 are present. Respondent No.1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23 and 24 are present. It must be noted that on 28-04-2025 the Learned counsel for the Petitioners filed I.A.No.7 U/o 40 Rule 1 CPC requesting this court to appoint ad hoc committee for maintenance and management to day-to-day affairs of the institution till the orders on I.A.No.1 and I.A.No.2 is passed.

The record also shows that on 29-04-2025 the respondents No.6, 7, 9 and other respondents have also filed objections to this I.A.No.7.

Today, the Learned counsel for the respondent NO.22 to 24 files objection to this I.A.No.7.

The record also shows that till date only the Arguments of Petitioners and the Respondent No. 2, 3, 8, 12, 20, 21 and Respondent No.6, 7, 9, 17 and 19 have been heard.

The Learned counsel for R22 to R24 is still arguing the matter. It is convention that after the Respondents complete their submission, an opportunity is to be given to the Learned counsel for the Petitioners to submit his reply.

It is a fact that the summer vacation of 2025 is fast approaching, and virtually tomorrow would be the last civil working day before the summer vacation.

Therefore, in the larger interest of the well-known and reputed institution of Mandya City, some order is to be passed. Therefore, I pass the following:

ORDER

A committee is formed.

All the trustees are the members of the said committee, and the office bearers of this institution/People's Education Trust shall furnish the details of the day to day proceedings that take place in the institution, after notifying all the trustees and after obtaining signatures of all the trustees to this Court.

This interim arrangement is made till 06-06-2025.

The R2/Sri K.S. Vijayananda or R5/Sri S.L. Shivaprasad shall furnish those details to the Court on every working day before 5.00 p.m.

Learned counsel Sri M.J.J. for petitioners submits that while submitting those reports to this court by Vijayananda or by Shivaprasad by mentioning their alleged official capacity them the same will be prejudice by the petitioners.

In my humble opinion having regard to the submission made by the Sri MJJ is well founded and is accepted.

Call on 06-06-2025."

(Emphasis added)

What has swayed the Court is that summer vacation is ensuing and it was the last working day for the civil Court. Therefore, in larger interest and to protect the reputation of well-known institution in Mandya City, the order is passed. It is understandable as to how

an ensuing summer vacation can become an emergent circumstance to pass an order giving plethora of directions for formation of a committee; the committee's day-to-day's proceedings be placed before the Court and so on and so forth. The matter is directed to be listed on 06-06-2025 and again on 11-06-2025. On 11-06-2025 the Court passes the following order:

"Panchalingu Petitioner No.1, Sampathkumar Naidu, Petitioner No.3. Smt. Shruthi Chaganti Advocate for petitioners, Sri Dhanukumar Advocate for R1 etc. (R3) Sri H.B.Advocate in person, Sri M.B.R.Advocate for R22 to R24, Sri K.S.Raghu Advocate for R8, R12, R20 and R21 present. Smt. Shruthi Chaganti Advocate filed following applications for following relief. I.A.8 U/Sec.151 of CPC Direction to respondent No.1 to furnish detail accounts for the reports to this authority as per order dated 02-05-2025 I.A.No.9 U/o 1 Rule 10(2) of CPC seeking to implead Prl.PES College of Engineering K.V. Shankaregowda Road, Mandya. I.A.No.10 U/Sec.151 of CPC seeking to extend interim order dated 02-05-2025 until next date of hearing. I.A.No.11 U/Sec.151 of CPC Directing the R1 through Prl. To cause our decisions pertaining to admission to the college for academic year 2025-26 to be made only by the Ad hoc committee constituted as per order dated 02-05-2025 by majority vote passed by this authority. I.A.No.12 U/Sec. 151 R/w Sec.94 of CPC r/w Sec.15(2) of the Contempt of Court Act, 1971 along with 13 documents to enquire into and initiate proceedings against D2 for the contempt of the order of this Court dated 02-05-2025 I.A.No.13 U/Sec.151 R/w 94 of CPC R/w 15(2) of the Contempt of Court Act 1971 along with 24 documents to enquire into and initiate proceedings against D3 for the contempt of the order of this Court dated 02-05-2025 Respondent No.3/Sri H.Basavaiah filed computer print of the status report of W.P.16223 of 2025 (16415) filed by Panchalingu against People's Education Trust. In the Court hall this authority read terms of the prayer made in above noted W.P. by

Panchalingu before Honorable High Court of Karnataka. R3 Basavaiah and other Advocates appearing for various respondent sought time to file objection to the applications filed today. **I heard the submission made by Smt. Shruthi Advocate. Now in the Court hall many witness and Advocates are present to lead evidence and submit arguments. Now time 4.20 p.m. the case is with respect to Education Institution as noted above. Petitioner No.1 Panchalingu filed a W.P. challenging the order dated 02-05-2025 passed by this authority. Hence, as a interim measure following ORDER. Order dated 02-05-2025 except part of the order challenged in above noted W.P. and part of the order dated 02-05-2025 directing the respondent No.2 to 5 to submit report on every working day before 5.00 p.m. to this authority the remaining order are extended till 05-07-2025 Saturday. Issue notice of I.A.No.9 to Prl. PES College of Engineer Mandya if sufficient process PF and copy of the I.a.No.9 is furnished R/by 05-07-2025. Call 05-07-2025 to file objection to the applications filed to-day except I.A.No.9 and I.A.No.10 and hearing of the applications (I.A.No.11, 2 and 4 etc.). "**

(Emphasis added)

The concerned Court notices pendency of the subject petitions and modifies the order observing that the time is 4.20 p.m. Again, no order is passed on grant of leave. As observed hereinabove, **if leave is not granted in a Scheme suit, it remains a Scheme plaint.** If it remains Scheme plaint without institution of the suit, all orders passed on interlocutory applications, are all *non est* in the eye of law, as the Court would get jurisdiction to pass interlocutory orders, only when the suit is instituted or registered. The said

circumstance is yet to come about. If it is yet to come about, the Court has no jurisdiction to pass interlocutory orders.

11. Reliance is placed by the learned counsel for the petitioners on order 40 Rule 1 of the CPC which deals with appointment of receiver. It reads as follows:

"1. Appointment of receivers.—(1) Where it appears to the Court to be just and convenient, the Court may by order—

- (a) appoint a receiver of any property, whether before or after decree;
- (b) remove any person from the possession or custody of the property;
- (c) commit the same to the possession, custody or management of the receiver; and
- (d) confer upon the receiver all such powers, as to bringing and defending suit and for the realisation, management, protection, preservation and improvement of the property, the collection of the rents and profits thereof, the application and disposal of such rents and profits, and the execution of documents as the owner himself has, or such of those powers as the Court thinks fit.

(2) Nothing in this rule shall authorise the Court to remove from the possession or custody of property, any person whom any party to the suit has not a present right so to remove."

For an application under Order 40 Rule 1 CPC what is ***sine qua non***, is institution of a suit. It is only in a validly instituted suit,

Order 40 Rule 1 application can be considered and not on a plaint. Suit under Section 26 or any other provision in the code would stand on a different circumstance, while the Scheme suit, under Section 92, stands on a different footing.

12. It becomes apposite to refer to the judgment of the coordinate Bench, of this Court, in W.P.No.9267 of 2022 which considers the entire spectrum of law and has held as follows:

“The Apex Court in the judgment cited supra has clearly held that Section 92 of CPC mandates that leave of the Court is a pre-condition or a condition precedent for institution of suit against a public trust. It would be also useful for this Court to examine Section 26 of CPC, which reads as under:

“26. Institution of suits-1). Every suit shall be instituted by the presentation of a plaint or in such other manner as may be prescribed.

2). In every plaint, facts shall be proved by affidavit.”

Sub-Section (1) of Section 26 mandates that every suit shall be instituted by a presentation of plaint or in such other manner as may be prescribed. Therefore, what emerges from the above said Section is that suit must commence with the presentation of plaint. A scheme suit under Section 92 of CPC. cannot be entertained unless leave is granted. Mere presentation of plaint filed under Section 92 of CPC does not amount to initiation of proceedings. Under Section 92 mere presentation of plaint is not the test for due institution of suit unless conditions precedent in instituting a scheme suit are complied with before presentation of the plaint.

Therefore, in terms of Section 26 of CPC, it is only when a leave is granted, it can be treated as a duly instituted suit and it is only then, it is to be deemed that machinery is set in motion and proceedings are deemed to have been either instituted or initiated.

Therefore, a leave to sue under Section 92 of CPC can be granted by the Court on the prima facie satisfaction regarding the allegations made against the respondents either without giving notice to the respondents or after giving notice to the respondents and hearing them, there will be no properly instituted suit under law before formal leave is granted by the Court under Section 92 of the Code and no interlocutory orders in the proceedings can be passed by the Court before granting permission to institute the suit under Section 92(1) of the Code. The provisions of Section 92(1) read with Section 26 clearly mandates that there is no properly instituted suit unless leave is granted in a scheme suit filed under Section 92. Unlike a suit in a forma pauperis stands instituted on filing of an application under Order 33 Rule 3. The said analogy cannot be extended to the suits filed under Section 92 of CPC. Section 92 mandates that the person or persons filing a suit alleging breach of any express or constructive trust created for public purpose has to seek leave and it will be only after the leave is granted the Court gets jurisdiction to entertain interlocutory applications.

15(a) Therefore, in the present case on hand, the Court below had no jurisdiction to entertain an application seeking appointment of a receiver. Therefore, this Court is of the view that the general power under Section 94 of CPC cannot be invoked in derogation of or contrary to specific mandate contained in the Code itself. Hence, when there are specific provisions contained in the Code regarding the matter under consideration, the general power as contained in either Section 151 or other provisions like Section 94 cannot be exercised. The expression, if it is so prescribed in Section 94 in itself would create a bar and therefore, the supplementary proceedings as provided under Section 94 of CPC cannot be entertained in a scheme suit unless leave is granted.

The expression “if it is so prescribed” reveals the limitation and restrictions for exercise of such powers by the Court. Therefore, this Court is of the view that execution of power conferred under Section 94 has to be necessarily in relation to the subject matter of dispute or the property relating to the dispute in the matter. Certainly, such power cannot be exercised in a scheme suit when an application seeking leave is still pending for consideration. Therefore, the impugned order passed on I.A.No.II appointing a receiver is one without jurisdiction and therefore, the impugned order being highly illegal is not at all sustainable....”

(Emphasis supplied)

The coordinate Bench considers this very issue and holds that unless leave is granted in Section 92 CPC, suit in supplementary proceedings as obtained under Section 94 of the CPC cannot be entertained. The coordinate Bench further holds that the expression “if it is so prescribed” would clearly indicate the prescription of limitation and restrictions for exercising of power by the Court. The coordinate Bench also considers the judgment in the case of **BHUPINDER SINGH**.

13. As contended by the learned counsel for the petitioners, the judgment of the coordinate Bench cannot be held to be per incuriam. It does consider the purport of the statute and its

interpretation. The learned counsel, as observed hereinabove, has placed reliance upon the judgment in the case of **BHUPINDER SINGH** *supra*. In the said judgment, the Apex Court holds as follows:

"4. Unfortunately, though an application was filed for seeking leave of the court to institute the suit under Section 92 CPC, no orders appear to have been passed on the said application. Section 92 CPC reads as follows:

"92. Public charities.—(1) In the case of any alleged breach of any express or constructive trust created for public purposes of a charitable or religious nature, or where the direction of the court is deemed necessary for the administration of any such trust, the Advocate General, or two or more persons having an interest in the trust and having obtained the leave of the court may institute a suit, whether contentious or not, in the Principal Civil Court of Original Jurisdiction or in any other court empowered in that behalf by the State Government within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a decree—

(g) settling a scheme; or"

5. A bare perusal of Section 92 CPC clearly indicates that either a suit under the provision can be filed by the Advocate General or by two or more persons having an interest in the trust and having obtained the leave of the court. The contention raised on behalf of the appellant herein is that since no orders were passed on the application for grant of leave, the entire proceedings in the suit are vitiated and the orders passed in the suit and subsequently in the appellate proceedings need to be set aside.

6. As far as the legal issue is concerned, there can be no manner of doubt that grant of leave is a necessary prerequisite before a suit under Section 92 CPC can be entertained. This Court has held in a number of

judgments that in an application filed under Section 92 CPC seeking leave to institute a suit, normally a notice should be issued to the other side before passing orders thereupon. However, that is not absolutely necessary and in an emergent situation, the court can grant leave even without issuing notice to the other side but then the respondent has a right to file an application for revocation of the leave granted. Reference in this behalf is made to *R.M. Narayana Chettiar v. N. Lakshmanan Chettiar* [*R.M. Narayana Chettiar v. N. Lakshmanan Chettiar*, (1991) 1 SCC 48] and *Vidyodaya Trust v. Mohan Prasad R.* [*Vidyodaya Trust v. Mohan Prasad R.*, (2008) 4 SCC 115]

7. In *R.M. Narayana case* [*R.M. Narayana Chettiar v. N. Lakshmanan Chettiar*, (1991) 1 SCC 48], this Court held as follows: (SCC p. 56, para 17)

"17. A plain reading of Section 92 of the Code indicates that leave of the court is a precondition or a condition precedent for the institution of a suit against a public trust for the reliefs set out in the said section; unless all the beneficiaries join in instituting the suit, if such a suit is instituted without leave, it would not be maintainable at all. Having in mind the objectives underlying Section 92 and the language thereof, it appears to us that, as a rule of caution, the court should normally, unless it is impracticable or inconvenient to do so, give a notice to the proposed defendants before granting leave under Section 92 to institute a suit."

(Emphasis supplied)

The Apex Court holds that there can be no manner of doubt that grant of leave is necessary pre-requisite before the suit under Section 92 CPC can be entertained. The Apex Court however, observed that it is not absolutely necessary and in an emergent situation the Court can grant leave without issuing notice to the

other side, but the respondent will have a right to file an application seeking revocation of the order. The Apex court nowhere directs that without granting leave, interlocutory orders can be passed. The Apex Court holds that, in certain circumstances, it may not be necessary to hear the respondents for grant of leave. Nonetheless, granting of leave is imperative.

14. The learned counsel further places reliance upon three other judgments of the High Court of Kerala and Allahabad. **The decisions of the High Court of Kerala and Allahabad though meritorious in expression must yield to the binding authority of the coordinate bench,** as it is trite that orders passed by different High Courts would only have a persuasive value, and not bind this Court on the principle of judicial discipline, and any amount of persuasiveness, by the learned counsel for the petitioners, relying upon those judgments has failed, as I respectfully disagree with what is held by both the High Courts of Kerala and Allahabad, and choose to follow the judgment rendered by the coordinate Bench.

15. In that light since the issue of jurisdiction would undoubtedly cut at the root of the matter, all orders passed in a plaint, which is yet to become a suit, by grant of leave, are all ***non est*** in the eye of law, ***non est*** for the reason that they are borne out of the proceedings on which the Court is yet to get jurisdiction to pass. In that light the orders so passed on 02-05-2025 and 11-06-2025 are necessarily to be obliterated.

COLLECTIVE CONCLUSION:

Section 92 of CPC is not merely a procedural provision – it is a statutory bulwark, that seeks to shield public charitable and religious trusts from vexatious litigation and whimsical interference. The requirement of granting of leave is not a perfunctory formality; it is the very gateway through which jurisdiction of the Civil Court gets activated. Until such leave is granted, the plaint remains legally inert, which would be a stillborn legal proceeding. The orders dated 02-5-2025 and 11-6-2025 are thus passed in the absence of jurisdiction. They rest upon a slender reed of exigency namely, the

approach of summer vacation. The orders are thus bereft of any statutory foundation. **The concerned Court without first breathing life into the suit through grant of leave, assumed a jurisdiction, it did not possess. A suit filed under Section 92 – a scheme suit becomes a suit only after grant of leave, failing which, it only remains a scheme plaint.**

16. The result of the aforesaid conclusion is the following:

ORDER

- (i) Writ Petition No.16971 of 2025 which challenges the modified order dated 11-06-2025 and seeks restoration of order dated 02-05-2025 stands **dismissed**.
- (ii) Writ Petition No.17445 of 2025 which challenges the order dated 02-05-2025 is **allowed**. The order dated 02-05-2025 stands quashed and subsequent orders passed by the concerned Court to the order dated 02-05-2025 would also stand obliterated.
- (iii) Writ Petition No.16223 of 2025 for reasons rendered in the companion petitions stands **dismissed**.

- (iv) The Principal District and Sessions Judge, Mandya is however reserved liberty to pass necessary orders strictly in consonance with law, bearing in mind the observations made in the course of the order.

Consequently, pending applications also stand disposed.

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

bkp
CT: MJ