



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF SEPTEMBER, 2025



PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C M JOSHI

WRIT PETITION NO. 27824 OF 2025 (GM-RES)

C/W

WRIT PETITION NO. 27595 OF 2025 (GM-RES)

WRIT PETITION NO. 27692 OF 2025 (GM-RES)

IN W.P. No. 27824/2025

BETWEEN:

1. SRI H.S. GAURAV
S/O H.G. SOMASHEKAR REDDY
AGED ABOUT 28 YEARS
RESIDING AT No.59
HALANAYAKANAHALLI VILLAGE
SARAJAPURA ROAD
BENGALURU - 560 035.

Digitally signed
by PRABHAKAR
SWETHA
KRISHNAN
Location: High
Court of
Karnataka

...PETITIONER

(BY SRI RAJAVARDHANA REDDY B., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
BENGALURU - 560 001.



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2. DEPARTMENT OF KANNADA AND CULTURE
REPRESENTED BY ITS
PRINCIPAL SECRETARY
VIDHANA SOUDHA
BENGALURU - 560 001.
3. THE DISTRICT MAGISTRATE,
CHAMARAJAPURAM MOHALLA
CHAMRAJPURA
MYSORE - 570 005.

...RESPONDENTS

(BY SRI K. SHASHIKIRAN SHETTY, ADVOCATE GENERAL A/W
SMT. PRATHIMA HONNAPURA, AAG A/W
SMT. NILOUFER AKBAR, AGA FOR R-1 TO 3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
MANDAMUS DIRECTING THE RESPONDENTS TO WITHDRAW
THE INVITATION (ANNEXURE-A) EXTENDED TO MS. BANU
MUSHTAQ AS THE CHIEF GUEST FOR THE DASARA
FESTIVAL INAUGURATION AT THE GODDESS CHAMUNDI
TEMPLE ON CHAMUNDI HILLS ON 22/09/2025 & ETC.

IN W.P. NO. 27595/2025

BETWEEN:

1. PRATHAP SIMHA
S/O GOPAL GOWDA
AGE ABOUT 48 YEARS
R/AT No.744, 8TH CROSS
4TH STAGE, 1ST PHASE
VIJAYANAGAR II STAGE
MYSURU - 570 017.

...PETITIONER

(BY SRI S. SUDHARSAN, ADVOCATE)



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AND:

1. STATE OF KARNATAKA
VIDHANA SOUDHA, AMBEDKAR VEEDHI
BENGALURU, KARNATAKA - 560 001
DEPARTMENT OF KANNADA AND CULTURE
REPRESENTED BY ITS PRINCIPAL SECRETARY
...RESPONDENT
(BY SRI K. SHASHIKIRAN SHETTY, ADVOCATE GENERAL A/W
SMT. PRATHIMA HONNAPURA, AAG A/W
SMT. NILOUFER AKBAR, AGA FOR R-1)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF
MANDAMUS TO DIRECT THE RESPONDENT STATE TO
WITHDRAW THE INVITATION EXTENDED TO Ms. BANU
MUSHTAQ AS THE CHIEF GUEST FOR THE UPCOMING
DASARA FESTIVAL AND ETC.

IN W.P. NO. 27692/2025

BETWEEN:

1. SRI GIRISH KUMAR. T
S/O. TIBBAIAH S.C.
AGED ABOUT 39 YEARS
R/AT AND POSTAL ADDRESS:
NO.44, 5 CROSS
1ST MAIN, KOTTIGEPALYA
BENGALURU - 560 091.
2. SMT. SOWMYA R.
W/O SRI RUDRAPPA
AGED ABOUT 42 YEARS



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R/AT AND POSTAL ADRESS:
NO.59, NISARGA APARTMENT
1ST FLOOR F3, 8TH MAIN
18TH CROSS, MALLESHWARAM
BENGALURU - 560 055.

...PETITIONERS

(BY SRI ANAND N.S., ADVOCATE)

AND:

1. STATE OF KARNATAKA
BY ITS CHIEF SECRETARY
VIDHANA SOUDHA
AMBEDKAR VEEDI
BENGALURU - 560 001.
2. DEPARTMENT OF CULTURE
STATE OF KARNATAKA
BY ITS PRINCIPAL SECRETARY
VIDHANA SOUDHA
AMBEDKAR VEEDI
BENGALURU - 560 001.
3. THE DEPUTY COMMISSIONER OF MYSORE
HIGH VIEW, VINOBA ROAD
OPPOSITE KALAMANDIR
MYSORE - 570 005.
4. SMT BANU MUSHTAQ
W/O MR. MOHIYUDDIN MUSHTAQ
AGED ABOUT 78 YEARS
PENSION MOHALLA, HASSAN
KARNATAKA - 573 201.

...RESPONDENTS

(BY SRI K. SHASHIKIRAN SHETTY, ADVOCATE GENERAL A/W
SMT. PRATHIMA HONNAPURA, AAG A/W
SMT. NILOUFER AKBAR, AGA FOR R-1 TO 3)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR ANY OTHER APPROPRIATE DIRECTION TO THE RESPONDENT No.1, 2 AND 3 TO RECALL / WITHDRAW/ CANCEL THE INVITATION GIVEN TO RESPONDENT No.4 AS THE CHIEF GUEST TO INAUGURATE THE HINDU RELIGIOUS FESTIVAL OF DASARA/NAVARATHRI IN THE CHAMUNDESHWARI TEMPLE ATOP CHAMUNDESHWARI HILLS ON 22.09.2025 & ETC.

THESE WRIT PETITIONS, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C M JOSHI

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioners have filed the present petitions challenging the decision of the Government of Karnataka to invite respondent No.4 as Chief Guest to inaugurate the Dasara festivities, atop the Chamundeshwari Hills, on 22.09.2025. The petitioner in W.P.No.27824/2025, submits that it is not appropriate to invite respondent No.4 for the inaugural function, as it involves active participation in Hindu religious rituals, including the lighting of a sacred lamp (Deepa Prajwalam) before the sanctum sanctorum



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and offering flowers, fruits and other traditional items to the deity and further participating in Vedic prayers and chanting, setting a spiritual tone to the ten day celebrations.

2. The learned counsel appearing for the said petitioner submits that inviting respondent No.4 hurts the sentiments of people, as she has made statements, which are anti-Hindu and anti-Karnataka. He also handed over a memo along with the translation of an extract from the speech of respondent No. 4, which he claims is an affront to Hindus and Kannada. He contended that the impugned invitation extended to respondent No.4, offends Articles 25 and 26 of the Constitution of India. He also referred to the decisions of the Supreme Court in ***Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt: (1954) 1 SCC 412*** and ***Adi Saiva Sivachariyargal Nala Sangam and others v. Government of Tamil Nadu and another : (2016) 2 SCC 725***, in support of his aforesaid contentions.

3. The learned counsel appearing for the petitioners in W.P.No.27692/2025 and W.P.No.27595/2025, also supported the said contention. In addition, they contended that since respondent



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No.4 is not of the Hindu faith, she is not entitled to inaugurate the festivities of the Dasara, which is predominantly a Hindu festival. They submitted that inaugural ceremonies involve rituals which have to be performed according to Hindu Agamic traditions. They submitted that the inauguration ceremony would involve lighting of the ceremonial lamp and offering prayers to Goddess Shri Chamundeshwari and showering flowers and petals before the deity. They submitted that such practices can only be performed by a Hindu and no person other than one following the Hindu faith could be permitted to perform the said rituals. He also relied on the decision of the Madras High Court in ***D. Senthilkumar v. Government of Tamil Nadu and others*** : ***W.P.(MD)Nos.18485/2023*** and the decision of the Supreme Court in ***Sri. Venkataramana Devaru and others v. The State of Mysore and others*** : ***AIR 1958 SC 255***, in support of their contention that the agamic traditions were protected under Articles 25 and 26 of the Constitution of India.

4. Mr. K. Shashikiran Shetty, the learned Advocate General appearing for the State countered the said submissions. He submitted that respondent No.4 is an acclaimed author and is a



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Booker Prize winner. He submitted that the function to which she is invited is a State function and there can be no discrimination on the ground of Religion or caste. He also submitted that the petitioner in W.P.No.27595/2025 could not object the invitation to respondent No.4, on the ground that she is a Muslim. He submitted that in the year 2017, Dr. Nissar Ahmed was also invited for the inaugural of the said festivities and the petitioner had shared the stage with him. Additionally, he also referred to the Circular dated 26.10.2016, issued by the Government of Karnataka, declaring that all temples coming under the jurisdiction of the Department of Religious Endowments of the State, as well as private temples, were required to grant free entry for all, to the *Darshan* of the deity, without distinction of caste, community, religion or gender. Further a board bearing the same is required to be placed in all temples. He contended that the State does not distinguish persons on the basis of their faith. He also contended that the said festivities are State sponsored function and is not religious function of the particular temple or religious institution. He earnestly submitted that the petition should be dismissed with exemplary costs.



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5. We have heard the learned counsel for the parties. Whilst the petitioners have expressed their sentiments regarding the impugned invitation extended to respondent No.4, we are unable to accept that the said invitation offends Articles 25 or 26 of the Constitution of India. Undisputedly, the festivities are organized by the State every year. And, an accomplished person is called for the inaugural ceremony. The persons in the past have included scientists, educationists, authors, freedom fighters. Undisputedly, respondent No.4 is an accomplished author and 2025 Booker Prize winner. She is also a lawyer and a social activist. She has also served in various public offices, including being a Member of the Hassan City Municipal Council, Chairperson of the Visitor's Board of Chamarajendra Hospital, Member of the State Library Authority and Chairperson of the Hassan District Samata Vedike and Women's Development Forum.

6. It is also pointed out that the decision to invite respondent No.4 was taken by a Committee that comprised of elected representatives from various parties and various Government officials.



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7. It is relevant to set out Articles 25 and 26 of the Constitution of India. The same read as under.

"25. Freedom of conscience and free profession, practice and propagation of religion.—(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law—

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I.—The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II.—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

26. Freedom to manage religious affairs.—Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—

(a) to establish and maintain institutions for religious and charitable purposes;

(b) to manage its own affairs in matters of religion;

(c) to own and acquire movable and immovable property; and

(d) to administer such property in accordance with law."

8. Clearly, none of the guarantees recognized under Articles 25 and 26 of the Constitution of India are offended in this case. Article 25 of the Constitution of India, guarantees the right to freedom of



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conscience and the right to freely profess, practice and propagate religion. The petitioner's right to practice and propagate religion is not curtailed in any manner by extending invitation to respondent No.4 to inaugurate the Dasara festivities.

9. Article 26 of the Constitution of India guarantees every religious denomination or any Section thereon to establish and maintain institutions for religious and charitable purposes; to manage its own affairs in matters of religion; to own, acquire movable and immovable property and to administer such property in accordance with law. In the present case, no right of any religious denomination or any Section thereon has been curtailed or restricted. None of the persons managing any religious denomination have come forward to claim that their right to maintain their institutions for religious and charitable purposes is being violated.

10. The reliance placed by the petitioner on the decisions of the Supreme Court in the case of ***Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt and Adi Saiva Sivachariyargal Nala Sangam and others v. Government of Tamil Nadu and another***, (supra) is misplaced.



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In the case of *Hindu Religious Edowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt (supra)*, the petitioner was a Mathadhipati of Shirur Mutt. He had filed a petition seeking a writ prohibiting the appellant (Commissioner, Hindu Religious and Charitable Institution, Madras), from framing a scheme of settlement under Section 61 of the Madras Hindu Religious and Charitable Endowments Act, 1927, which was in force at the material time. The said Act was replaced by new one and the petitioners were permitted to amend their petitions to challenge the said Act. The court had examined the rights of a Mathadhipati and held that the Mathadhipati holds the Mutt property as a life tenancy and his possession is similar to that of a Hindu widow in respect of her husband's estate. The court held that Mathadhipati is the head of a spiritual fraternity by virtue of his office and is required to perform the duties of a religious teacher and it is his duty to practice and propagate the religious tenets. Thus, any provision of law, which prevents him from propagating his doctrines would certainly affect the religious freedom guaranteed to a person under Article 25 of the Constitution of India. As regards to Article 26, the Court held that not only a religious



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denomination, but also a Section thereof, the Mutt or the spiritual fraternity represented by it can legitimately fall within the said article.

11. In the present case, the petitioner does not represent any denomination or any Section, whose right to establish or maintain its institution is sought to be curtailed.

12. In ***Adi Saiva Sivachariyargal (supra)***, the petitioners had challenged the Government Order dated 23.05.2006, which promulgated that any person who is a Hindu and possessing the requisite qualification and training can be appointed as an Archaka in Hindu temples. In that case, the court accepted the contention that appointment of Archaka would require to be made in accordance with Agamas, subject to the due identification and conformity with constitutional mandates. The Court observed that exclusion of some and inclusion of a particular segment or denomination for appointment as Archaka would not violate Article 14 of the Constitution of India, so long as the inclusion/exclusion is not based on the criteria of caste, birth or any other constitutionally unacceptable parameter. Clearly, this case has no applicability in the facts of the present case.



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13. The decision of the Madras High Court in the ***D. Senthel v. Government of Tamil Nadu*** (supra) is also of little relevance in the facts of the present case. In the said case, an objection was raised as to granting free entry to tourists to sanctum sanctorum for the purpose of tourism and not for the purpose of worship. In the said context, the court had issued certain directions for setting up boards indicating that certain persons were not allowed inside the temple after *Kodimaram*.

14. The decision in the case of ***Sri Venkatarama Devaru and others v. The State of Mysore and others*** (supra), is equally inapplicable to the facts in this case. In the said case, the question that fell for the consideration of the court was whether the right of a religious denomination to manage its own affairs in matters of religion guaranteed under Article 26 (b) of the Constitution of India is subject to and controlled by, a law protected by Article 25(2)(b) of the Constitution of India, throwing open a Hindu public temple to all classes and sections of Hindus. The Court had confirmed that such law would prevail over the rights under Article 26(b). The Court held that while Article 26(b) of the Constitution of India protects rights of religious denominations to manage their own affairs in



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matters of religion, it must be read subject to Article 25 (2)(b) of the Constitution of India.

15. In the present case, we are unable to accept that any legal or constitutional right of the petitioners is violated by extending the invitation to respondent No.4 to inaugurate the State sponsored Dasara festivities. Participation of a person practicing a particular faith or religion, in celebrations of festivals of other religion does not offend the rights available under Constitution of India. In our view, the extension of invitation to respondent No.4 does not fall foul of any of the values enshrined in the Constitution of India.

16. These petitions are unmerited and accordingly dismissed.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(C M JOSHI)
JUDGE

SD
List No.: 1 SI No.: 6