

The Commissioner For Hindu Religious and Charitable Endowments and Others

Vs

K. Eranna and Others

Civil Appeals Nos. 528 and 529 of 1971

(CJI A. N. Ray, K. K. Mathew JJ)

30.08.1974

JUDGMENT

RAY, C.J. -

1. These two appeals are by special leave from the judgment dated February 20, 1970 of the High Court at Bangalore.
2. The appellants challenged the resolution of the Area Committee, Bellary dated May 30, 1969 appointing Respondents Nos. 5 to 9 as trustees of three temples situate at Malapanagudi village in Hospet Taluk, Bellary District.
3. The resolution was passed in exercise of powers under Sections 39 and 41 of the Madras Hindu Religious and Charitable Endowments Act, 1951 hereinafter referred to as the Act. These two sections were struck down by the High Court at Bangalore in the decision in K. Mukundaraya Shenoy Vs. State of Mysore (AIR 1960 Mys 0018). The High Court, therefore, held that the resolutions passed by the area committee under those two sections were invalid.
4. Counsel for the appellants wanted to raise a contention that sections 39 and 41 of the Act remained in force in the district of Bellary. This contention was not raised in the High Court. We, therefore, did not allow that submission.
5. The appeals are dismissed.

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