

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

Con.Case(C).No. 1211 of 2014 (S) IN WP(C).25229/2013

AGAINST THE JUDGMENT IN WP(C) 25229/2013 DATED 02-12-2013

PETITIONER/PETITIONER IN W.P.(C) NO.25229/2013 :

K.KRISHNA KUMAR AGED 62 YEARS
S/O.LATE KRISHNA MENON, KUTTIKKATTU HOUSE
PALLIPARAMBU KAVU, NADAMA VILLAGE, KANAYANNUR TALUK
ERNAKULAM DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE

RESPONDENTS/RESPONDENTS IN W.P.(C) NO.25229/2013 :

1. MRS.V.RAJALAKSHMY, AGE AND FATHER'S NAME NOT
KNOWN TO THE PETITIONER,
SECRETARY, THE COCHIN DEVASWOM BOARD
HAVING MAIN OFFICE AT THRISSUR, ROUND NORTH, THRISSUR.
2. SMT.KALA, AGE AND FATHER'S NAME NOT
KNOWN TO THE PETITIONER,
SUPERINTENDENT, MARAMATH WING, COCHIN DEVASWOM BOARD
ROUND NORTH, THRISSUR.
3. SMT.SUDHA, AGE AND FATHER'S NAME NOT
KNOWN TO THE PETITIONER,
SUPERINTENDENT, MARAMATH WING, COCHIN DEVASWOM BOARD
ROUND NORTH, THRISSUR.
4. MR.SUNILKUMAR, AGED 35 YEARS
S/O.SUBRAMANIAN, KANIYAMPARAMBIL HOUSE
PALLIPARAMBUKAVU, TRIPUNITHURA, SECRETARY
THE PALLIPARAMBUKAVU KSHETHRA ADVISORY COMMITTEE.

BY ADV. SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-1 : CERTIFIED COPY OF JUDGMNET IN W.P.(C) No.25229/13
DATED 02.12.2013 OF THIS HON'BLE COURT.

ANNEXURE-2 : TRUE COPY OF THE REPRESENTATION DATED 09.08.2014
BEFORE THE RESPONDENTS.

ANNEXURE-3 : TRUE COPY OF THE REGISTRATION SLIP.

RESPONDENTS' EXHIBITS:

ANNEXURE-A : TRUE COPY OF THE CDB REPORT NO.39 OF 2015
(RENUMBERED AS DBP No.39 OF 2015.

ANNEXURE-B : TRUE COPY OF THE ORDER IN DBP No.39 OF 2015
DATED 03.06.2015.

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, C.J. & A.M. SHAFFIQUE, J.

Contempt Case (Civil) No. 1211 OF 2014

Dated this the 23rd day of July, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the petitioner. This contempt case has been filed alleging disobedience of the judgment dated 02.12.2013 passed in W.P.(C) No. 25229 of 2013. In the judgment it is stated that the Standing Counsel for the Devaswom Board has produced an order dated 13.11.2013 wherein a direction was issued by the Board to the Superintendent of the Maramath Wing to conduct the auditing within one month. The Court after recording the same issued the following direction in paragraph 2 of the judgment which reads as under:

"2. The learned Standing Counsel for the Board has produced an order dated 13.11.2013 directing the Superintendent of the Maramath Wing to conduct the auditing within one month. We record the same. The said Officer will take into account the objection of the petitioner also while conducting the auditing, for which the petitioner will transmit a copy of the objection within ten days from today."

2. Counter Affidavit has been filed by the 1st respondent. It has been stated therein that the audit as

directed by the Devaswom Board was conducted by the Superintendent attached to the Maramath Wing of the Cochin Devaswom Board and it was reported that the functioning of the Temple Advisory Committee had to be enquired by the Vigilance Wing of the Board and there should be a detailed enquiry with regard to the accounts maintained by the Committee. Hence the Board entrusted the auditing work to the Local Fund Audit attached to the Board. A petition, No.4 of 2015, was filed before the Ombudsman for Travancore and Cochin Devaswom Boards, whose report has already been annexed as Annexure-A to the counter affidavit dated 30.06.2015. After the report of the Ombudsman, this Court has already passed an order dated 03.06.2015 for conducting the audit by the Local Fund Audit.

3. Learned counsel for the petitioner has contended that though counter affidavit has been filed, nowhere it is stated that when the Maramath Wing has conducted the audit nor any details have been given.

4. Learned counsel for the respondent has referred to paragraph 3 of the report of Ombudsman which is to the following effect:

"3. It is pointed out on behalf of the Cochin Devaswom Board that the audit conducted by the Superintendent of the Maramath Wing is only a preliminary audit and detailed audit is yet to be conducted."

5. We have no reason to disbelieve the statement made by the 1st respondent. The sequence of events given in the counter affidavit clearly indicate that subsequent steps of audit have been taken after the report was submitted by the Superintendent attached to the Maramath Wing.

We do not find any disobedience to the order of Division Bench in this Contempt application. No grounds have been made out to initiate contempt proceedings. Hence the Contempt Case is closed.

**Ashok Bhushan,
Chief Justice.**

**A.M. Shaffique,
Judge.**