

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.N. RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

DBP.No. 62 of 2014 ()

PETITIONER:

- 1 KALLIPARAMBIL RAMACHANDRAN NAIR,
THEKKUMKARA VILLAGE,
THALAPPILLY TALUK, THRISSUR. (COMPLAINANT IN C.327/13)
2. SANTHEENDRAN, S/O VATEKKATTU SARADAMMA,
THEKKUMKARA VILLAGE,
THALAPPILLY TALUK, THRISSUR. (COMPLAINANT IN C.22/14)

BY ADVS. SRI. P. RADHAKRISHNAN (1)
SRI. NELSON JOSEPH

RESPONDENT(S):

THE SECRETARY, COCHIN DEVASWOM BOARD,
THRISSUR.

BY ADV. SRI. KRISHNA MENON, SC, COCHIN DEVASWOM BOARD
SRI. P. RAMACHANDRAN, AMICUS CURIAE

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON
05-06-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DBPNo. 62 of 2014

PETITIONER'S EXTS:

- EXT.C1: COPY OF LETTER DT.22.12.2013 SENT BY THE OORALAN A.S.NARAYANAN NAMBOODIRIPAD AVANA PARAMBU MANA TO COCHIN DEVASWOM BOARD.
- EXT.C2: COPY OF CERTIFICATE DT.22.1.2014 ISSUED BY THE THANTHRI OF THE TEMPLE SRI P.N.NARAYANAN NAMBOODIRI
- EXT.C3: COPY OF LETTER DT.15.1.2013 ISSUED BY DEVASWOM OFFICER.
- EXT.C4: COPY OF APPLICATION DT.7.10.2006 SENT BY V.NARAYANANKUTTY TO COCHIN DEVASWOM BOARD.
- EXT.C5: COPY OF PETITION SUBMITTED ON 19.12.2013 BY CO-ORDINATION COMMITTEE COMPRISED OF NINE MEMBERS BEFORE THE DEVASWOM BOARD.

RESPONDENTS' EXTS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

P.N.RAVINDRAN & ANIL K.NARENDRAN, JJ.

D.B.P.No.62 of 2014

Dated this the 5th day of June, 2015

ORDER

Anil K.Narendran, J.

D.B.P.No.62 of 2014 arises out of Complaint No.327 of 2013 filed by one Kallipparambil Ramachandran Nair and Complaint No.22 of 2014 filed by Santheendran, is relating to the appointment of Velichappadu in Machadu Thiruvannikkavu Temple in Thiruvilwamala Group of the Cochin Devaswom Board.

2. In Complaint Nos.327 of 2013 and 22 of 2014, the Honourable Ombudsman has filed C.D.B.Report No.69 of 2014, which was followed by Additional Report No.166 of 2014.

3. In Complaint No.327 of 2013, it is alleged that for the last 15 years, the post of Velichappadu in the Machadu Thiruvannikkavu Temple is lying vacant and the rituals are being conducted by the Velichappadu of the neighbouring Kumarankinattukara Temple and since there is a break of 15 years, the karaima right has ceased to exist. According to the complainant, one person from the karaima family has come forward claiming appointment as Velichappadu. The complainant has also applied for appointment as Velichappadu and he prays for appropriate action.

4. On the other hand, in Complaint No.22 of 2014 it is stated that, the Komaram in the Machadu Thiruvanikkavu Temple can be appointed only from the members of Vattekkattu family. The complainant is a member of that family and other members of the family have no objection in appointing him as Komaram. According to the complainant, there was a discussion in the office of the President of the Cochin Devaswom Board. It is also stated that the post is kept vacant for a number of years, that the last Komaram Vattekkattu Balakrishnan Nair died in the year 1998 and that on a 'Prasana Vidhi' held in the temple it was found that the Komaram could continue in the temple only after reconstruction of the temple is completed and all the rituals are done. It is stated that the nephew of late Balakrishnan Nair has applied for appointment as Komaram, but no decision has been taken by the Board so far. On 15.1.2013, a letter was received from the Devaswom Officer to inform whether any member of the Vattekkattu family is willing to act as the Velichappadu, that Ramankutty and Sathyanarayanan had given consent for appointing the complainant in Complaint No.22 of 2014 as Kshethra Komaram, but no action was taken by the Devaswom Board and it was informed that the post is being advertised. The complainant states that as per the custom, so long as any member of the Vattekkattu family is willing to do the work, his request has to be considered.

5. The Secretary of the Cochin Devaswom Board has filed a common affidavit in both the complaints stating that, the matter was discussed in the Board meeting held on 30.1.2014 and it was decided that for the present year, what was done in the previous year should be followed and subsequently the matter can be considered after perusing the records. Sri Sankaranarayan, the Velichappadu in Kumarankinattukara temple has vacated the post on account of old age and he has requested that his son be appointed as the Velichappadu and the Board has accepted that request. As late Sankaranarayanan was doing the duties of Komaram in the Kumarankinattukara temple, his son Sri Sreekrishnan was asked to do the duty of Komaram in Thiruvanikkavu temple as well. It is also stated that in Thiruvanikkavu temple, the need for Velichappadu is only for four days and for the last 15 years, it was being done by Sri Sankaranarayanan.

6. The complainant in Complaint No.22 of 2014 has filed a counter to the affidavit filed on behalf of the Devaswom board pointing out that there is no dispute with regard to karaima right of Vattekkattu family and a letter was also given to nominate a member of the family to be appointed as the Komaram of the Temple. In 2006, Sri Narayanankutty of Vattekkattu family had requested for appointment as Komaram and no action was taken by the Board. On 15.1.2013, the Board had asked to

nominate a person of Vattekkattu Tharavadu to be appointed as the Komaram and the members of the family wanted time to discuss about it and that as per the decision of the family, the complainant in Complaint No.22 of 2014 has filed an application for appointment. Therefore, it is contended that the appointment of Sri Sreekrishnan as Komaram of Thiruvanikkavu Temple cannot be justified. It has also been stated in the counter that the need for a Komaram in Thiruvanikkavu temple is not for four days and that the need for a Velichappadu is there on Pathamudayam Maholsavam, Prathishtadinam, Mamankam, etc.

7. We heard arguments of the learned counsel for the complainant in Complaint No.22 of 2014 and also the learned Standing Counsel for the Cochin Devaswom Board. Though notice was issued to the complainant in Complaint No.327 of 2013 and he has been served, he has not chosen to enter appearance. We have also perused CDB Report No.69 of 2014 and Additional Report No.166 of 2014 filed by the Honourable Ombudsman.

8. The pleadings on record would indicate there is no serious dispute as to the fact that the members of Vattekkattu family were earlier discharging the duties of Komaram in Thiruvanikkavu temple, that it was discontinued for the last 15 years and that the Komaram of the neighbouring temple is presently discharging the duties of Komaram in

Thiruvanikkavu Temple. According to the Board, since there is not much work for Komaram in Thiruvanikkavu temple, the Komaram of the neighbouring temple can do the work of this temple as well. Therefore, there is no necessity to appoint the complainant in Complaint No.22 of 2014 as the Komaram.

9. Though there is nothing on record to establish that the karaima right was taken away from Vattekkattu family, it is not in dispute that nobody from that family was discharging duties of Komaram for the last 15 years. Ext.C1 letter dated 22.12.2013 produced along with the counter filed by the complainant in Complaint No.22 of 2014 is one sent by the Ooralan of Thiruvanikkavu Temple addressed to the Cochin Devaswom Board stating that the hereditary right of appointing Komaram from Vattekkattu family is in existence since the last 200 years and that it is only proper to follow the same tradition. In Ext.C2 certificate dated 22.1.2014 issued by the Thanthri of the temple he has confirmed that Vattekkattu family is having a tradition of 200 years in the matter of appointment of Komaram and there is no objection in appointing one from the same family. Ext.C3 is a letter dated 15.1.2013 sent by the Devaswom Officer to the then available senior member of Vattekkattu family regarding the appointment of Velichappadu in Thiruvanikkavu Temple. A reading of the said letter would show that the Board is not

disputing the fact that Velichappadu in Thiruvannikkavu Temple was being appointed for the last several years from Vattekkattu family. In Ext.C3, the Devaswom Officer of Panangattukara Devaswom has requested the senior member of Vattekkattu family to nominate in writing a person for the post of Velichappadu within 7 days from the date of receipt of the letter.

10. A reading of the counter filed by the complainant in Complaint No.22 of 2014 would further show that the last Velichappadu from Vattekkattu family was one Balakrishnan Nair who died in the year 1996. Immediately after his death, on a 'Prasna Vidhi' held in the temple it was found that the Komaram could continue in the temple only after conducting the required rituals and completion of renovation of the temple. After the completion of rituals and renovation, Ext.C4 application dated 7.10.2006 was submitted before the Board for appointing one V.Narayanankutty, a nominee of Vattekkattu family as the Komaram. Ext.C5 produced along with the counter is a petition filed by the Machad Mamangam Ekopana Samithi, which is a Co-ordination Committee conducting festival in Thiruvannikkavu Temple, comprising representatives of eight desoms, which is also the Committee offering 'para' vazhipadu in the temple. Ext.C5 representation submitted before the President of the Devaswom Board, by the Ekopana Samithi confirms the fact regarding the

rituals and renovations required as per 'Prasna Vidhi' and also the requirement to appoint a Komaram on completion of such rituals and renovations. In Ext.C5, the Ekopana Samithi requested the Devaswom to appoint a Komaram urgently emphasizing the hereditary right of Vattekkattu family existing for centuries. They have also pointed out the difficulties faced in conducting the rituals in the temple in the absence of a Komaram. Therefore, the materials on record clearly indicate that Vattekkattu family is having the hereditary right for appointing Komaram since the last 200 years and that the last Velichappadu from that family was one Balakrishnan Nair who died in the year 1998.

11. The stand taken by the Devaswom Board is that the 'Komaram' of the neighbouring temple has been discharging the functions of 'Komaram' in Thiruvanikkavu Temple and this arrangement can be continued for the time being. In Ext.C1 letter sent by the Ooralan of the temple, it has been stated that it is only proper to follow the tradition of appointing the Komaram from Vattekkattu family which is in existence since the last 200 years. In Ext.C2, the Thanthri of the temple has confirmed that Vattekkattu family is having a tradition of 200 years in the matter of appointment of Komaram and that the application submitted by the member of that family can be considered.

12. The specific stand taken by the complainant in Complaint

No.22 of 2014 is that, the Velichappadu/Komaram of one temple cannot perform the functions of Velichappadu of another temple. A Velichappadu or Komaram who is installed as the representative of Bhagavathy after the performance of ceremonial rites alone is considered as competent to carry the sword, chilambu and to wear the ceremonial belt during religious rites. The member of the hereditary family is duly installed only after doing 'penance' for 41 days, performing 'Kalasam' and declared as Velichappadu or Prathipurusha of the deity. These customary rites are mandatory and cannot be dispensed with. A substitute from the neighbouring temple even as a temporary measure, cannot carry the holly ornaments, sword, chilambu, etc. and a junior member of the hereditary family is always carrying the same and accompanying the substitute Velichappadu during religious rites. It was in such circumstances, the Ooralan of the temple has in Annexure C2 letter dated 22.1.2014 emphasised the need for appointment of a Velichappadu from the hereditary family. Further, going by the specific stand taken by the complainant, the functions and duties of the Velichappadu in Thiruvannikkavu Temple last for the entire year with intervals and it is not for four days in a year as contended by the Board. The functions include Makarachowa, Pana, Pathamudayam Maholsavam, Prathishtadinam, Para Purappadu till the end of Mamangam, Chuttuvilakku Vazhipadu, etc. The Board has not chosen to file an affidavit disputing the

specific stand taken by the complainant in this regard.

13. The materials on record, which we have already referred to, make it abundantly clear that the members of Vattekkattu family are having a hereditary right for appointment as Velichappadu of Machadu Thiruvannikkavu Temple, which hereditary right is admitted in Ext.C1 letter of the Ooralan of the temple, Ext.C2 certificate issued by the Thanthri of the temple and also in Ext.C3 letter of the Devaswom Officer. The materials on record further indicate that there is necessity for a Velichappadu in connection with various religious rites and the requirement is not for four days in an year as contended by the Board. Still, further, the ceremonial sword, chilambu, etc. of the deity can be carried during those religious rites only by a member of Vattekkattu family and not by the Velichappadu of the neighbouring temple. Therefore, there is necessity to have a Velichappadu for Machadu Thiruvannikkavu Temple and a person from Vattekkattu family has to be offered such appointment honouring the tradition followed in the temple for the last more than 200 years.

In the result, D.B.P.No.62 of 2014 is disposed of directing the Cochin Devaswom Board to appoint one among the members of Vattekkattu family as the Velichappadu in Machadu Thiruvannikkavu Temple. Necessary steps in this regard shall be taken, as expeditiously as

possible, at any rate within a period of two months from the date of receipt of a certified copy of this judgment.

Sd/-

P.N.RAVINDRAN, JUDGE

Sd/-

ANIL K.NARENDRA, JUDGE

dsn