

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 8448 of 2006 (E)

PETITIONER(S):

**V.V.MANI WARRIER, S/O.KUNJIRAMA WARRIER,
AGED 41 YEARS, KAZHAKAM, SREE MANIYOOR
SUBRAMANYA SWAMY TEMPLE, MANIYOOR, RESIDING AT
VADAKKAY VEEDU, MANIYOOR, CHEKKIKULAM P.O.
THALIPARAMBA, KANNUR DISTRICT.**

**BY ADVS.SRI.JOHNSON P.JOHN
SRI.RAJU SEBASTIAN VADAKKEKKARA
SRI.BABY MATHEW**

RESPONDENT(S):

- 1. THE COMMISSIONER, HINDU RELIGIOUS AND
CHARITABLE ENDOVEMENT OFFICE, KOZHIKODE.**
- 2. THE ASSISTANT COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE ENDOVEMENT OFFICE
KANJANGAD, KASARKODE DISTRICT.**
- 3. THE CHAIRMAN, MANIYOOR SUBRAMANYA
SWAMY TEMPLE, MANIYOOR DEVASWAM, CHEKKIKULAM P.O.
PIN - 670 592.**

**R,R3 BY ADV. SRI.C.K.SREEJITH
R,R1 BY ADV. GOVERNMENT PLEADER SMT. M.J. RAJASREE
R1,R2 BY ADV. SRI.V.KRISHNA MENON, SC, MALABAR DEVASWOM
BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 8448 of 2006 (E)

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1	COPY OF THE GENERAL POWR OF ATTORNEY DTD.30.10.04
EXT.P2	COPY OF THE G.O(MS) 415/96/RO DTD 6.8.96
EXT.P3	COPY OF THE ORDER DTD.31.7.02 ISSUED BY THE 2ND RESPONDENT.
EXT.P4	COPY OF THE REPRESENTATION DATED 17.8.05
EXT.P5	COPY OF THE ORDER DTD.7.11.01 IN O.A NO.19/2000
EXT.P6	COPY OF THE SALARY SCHEDULE WITH EFFECT FROM 1.1.95
EXT.P7	COPY OF THE SALARY SCHEDULE WITH EFFECT FROM 1.7.03
EXT.P8	COPY OF THE LETTER DTD.13.8.02
EXT.P9	COPY FO THE LETTER DATED 21.1.04
EXT.P10	COPY OF THE ORDER IN AP 7/2013/DTD.3/12/14

RESPONDENTS EXHIBITS: **NIL**

// TRUE COPY //

PA TO JUDGE

SB

K. VINOD CHANDRAN, J.

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W.P.(C) No.8448 of 2006 - E

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Dated this the 6th day of October, 2015

J U D G M E N T

The dispute raised in the above writ petition is with respect to the Kazhakam rights of the Sri Maniyoor Subrahmania Swamy Temple, which the petitioner asserts on the family of the petitioner. The petitioner claims that from 1986-1990 the petitioner's father had carried out the Kazhakam and from 1990-1995, his mother and then his brother from 1995 to 2004. The petitioner had been functioning as the Kazhakam in 2004.

2. The petitioner's allegation is that no salary has been paid to the petitioner or his predecessors-in-interest. The petitioner's mother had been before the Commissioner, asserting her hereditary rights to carry on the Kazhakam in the Sri Maniyoor Subrahmania Swamy Temple. The same was allowed by Ext.P5, but however, an ex-parte order. The Chairman, the 3rd respondent herein is said to have filed an application before the Deputy Commissioner to set aside the order at Ext.P5 and also

review the same. The delay was almost of an extent of 5 years.

3. The Deputy Commissioner is said to have reversed the orders after setting aside the ex-parte order. However, the petitioner filed an application before the Commissioner, the Malabar Devaswom Board, who set aside the order of the Deputy Commissioner and passed Ext.P10, which affirmed the claim of hereditary right on the petitioner's family.

4. The respondents 1 and 2 shall see that the Chairman shall implement the order at Ext.P10 within a period of two months. The petitioner shall be left the remedies open in accordance with law to prove the service rendered and claim wages.

The writ petition is disposed of.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

SB/07/10/2015

// true copy //

P.A to Judge.