

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WA.No. 2781 of 2015 () IN WP(C).36225/2015

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AGAINST THE ORDER/JUDGMENT IN WP(C) 36225/2015 of HIGH COURT OF KERALA
DATED 21-12-2015**

APPELLANT(S)/PETITIONER:

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P.K.VIJAYAN PILLAI,
AGED 65 YEARS, S/O.KRISHNA PILLAI,
PANICKAMANNIL HOUSE,
MADATHUMOOZHAY, RANNI, PERUNAD P.O,
PIN - 689 711, RANNI TALUK, PATHANAMTHITTA DIST.**

BY ADV. SRI.V.SETHUNATH

RESPONDENT(S):

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- 1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHANCOD, THIRUVANANTHAPURAM, PIN - 695 005.**
 - 2. THE EXECUTIVE OFFICER, SABARIMALA DEWASOM,
PAMPA THIRUVENI P.O, RANNI-PERUNAD VILLAGE,
RANNI TALUK, PATHANAMTHITTA DISTRICT,
PIN - 689 662.**
 - 3. THE DISTRICT COLLECTOR, PATHANAMTHITTA,
PIN - 689 645.**
 - 4. THE THAHSILDAR, REVENUE DEPARTMENT,
RANNI, PIN - 689 672.**
 - 5. THE TALUK SUPPLY OFFICER, CIVIL SUPPLIES DEPARTMENT,
RANNI, PIN - 689 672.**
 - 6. JAYAKUMAR.J, S/O JANARDHANAN UNNITHAN, JAYA BHAVANAM,
PANAYIL P.O, NOORANAD,
PIN - 690 504, ALAPPUZHA DISTRICT.**
 - 7. RAJAN.P.N,
S/O.RAMAKRISHNAN NAIR,
PLAKKAT VEEDU,
KUMBAZHA P.O,
PATHANAMTHITTA DISTRICT, PIN - 689 653.**

8. **RATHEESH KAMALAN, S/O.KAMALASANAN,
KAITHAKKOLIL, ANGAMOOZHY P.O,
SEETHATHODE, PATHANAMTHITTA DISTRICT, PIN - 689 664.**
9. **NIZAR.S, S/O.SHAHUL HAMEED, THANZEELA MANZIL,
PUNNALA P.O, KOLLAM.**
10. **O.THAHA, S/O.UMMARKUTTY, YAMUNA,
MEMANA, OCHIRA P.O,
KOLLAM, PIN - 690 526.**

**R BY SRI.M.GOPIKRISHNAN NAMBIAR
R3 TO R5 BY SRI.VIJU THOMAS, GOVERNMENT PLEADER
R1, R2 BY SRI.KRISHNA MENON, SC, TRAVANCORE DEVASWOM BOARD**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23-12-2015,
ALONG WITH W.A.NO.2782/2015 THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

WA.No. 2781 of 2015 ()

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE-A1: COPY OF THE INTERIM ORDER DATED 1.12.2015 IN W.P (C) NO.36225/2015.

ANNEXURE-A2: COPY OF THE INTERIM ORDER DATED 11.12.2015 IN W.P.(C).NO.36225/2015.

ANNEXURE-A3: COPY OF THE GENERAL GUIDELINES ISSUED BY THE DEWASWOM BOARD FOR THE PERIOD COMMENCING FROM 12TH NOVEMBER, 2015 TO 11TH NOVEMBER 2016.

RESPONDENT'S EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.**

W.A.Nos.2781 & 2782 of 2015

Dated this the 23rd day of December, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. These writ appeals are filed against a common judgment issued by the learned single Judge.

2. We have heard the learned counsel for the appellants and the learned counsel for the Travancore Devaswom Board. The subject matter in issue before the learned single Judge was as to whether the Devaswom Board was justified in insisting that certain items cannot be sold through the shops which were bid in auction by the writ petitioners. The judgment shows that the learned single Judge appreciated the relevant contents of the notifications and compared the articles that the writ petitioners were trying to sell. Resultantly, it was held by the learned single Judge that the food stuffs referred to by the petitioners are not light food, but they are main meals. The learned single Judge assimilating the relevant facts and adverting to and considering the materials on record including

the notification, held that the petitioners cannot get any of the reliefs in the writ petitions or compel the Travancore Devaswom Board to permit them to sell Alu Porotta, Alu Chappathi, Alu Poori, Pavu Bun, Vegetable Porotta Roll, Vegetable Poori Roll, Paneer Porotta Roll, Masala Idly, Paneer Idly, Alu Dosa, Alu Dosa Roll, Paneer Chappathi Roll and Vegetable Pulav etc. as if they are merely bakery items which could be sold through a light refreshment stall. The learned single Judge has taken an assessment of the facts and the conclusions arrived at by the learned single Judge cannot be held as perverse. We do not find any ground to hold that the impugned judgment is illegal or is vitiated with such infirmity as to make it liable to be visited through these intra-court appeals under Section 5 of the High Court Act. Hence, these appeals fail.

In the result, these appeals are dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)