

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 1192 of 2015 (Y)

PETITIONER:

SREE DHARMA SASTHA TEMPLE ADVISORY COMMITTEE
PERUMBAVOOR,
REPRESENTED BY ITS SECRETARY
AJAYAKUMAR K.P., S/O. K.PANKAJAKSHA PILLAI
AGED 45 YEARS, KONGORPILLY HOUSE, NEAR KSRTC PERUMBAVOOR
PIN:683 542.

BY ADV. SRI.R.DIVAKARAN

RESPONDENTS:

1. TRAVANCORE DEVASWOM BOARD
OFFICE OF THE DEVASWOM BOARD, DEVASWOM BUILDING
NANDANCODE, THIRUVANANTHAPURAM
PIN:695001
REPRESENTED BY ITS SECRETARY.
2. DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD
OFFICE OF THE DEVASWOM COMMISSIONER, DEVASWOM BOARD
THIRUVANANTHAPURAM, PIN:695001.
3. ASSISTANT COMMISSIONER
THRIKKARIYOOR SUB GROUP OF T.D.B. THRIKKARIYOOR
ERNAKULAM, PIN:683542.
4. SUB GROUP OFFICER
SREE DHARMA SASTHA TEMPLE, PERUMBAVOOR, PIN:683 542.

BY SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: A TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE 2ND
RESPONDENT DATED 10.11.2014.
- EXHIBIT P2: A TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 3RD
RESPONDENT DATED 24.11.2014.
- EXHIBIT P3: A TRUE COPY OF THE NOTICE PUBLISHED IN CONNECTION WITH THE
MANDALAM CHIRAPPU MAHOLSAVAM.
- EXHIBIT P4: A TRUE COPY OF REPRESENTATION SUBMITTED BEFORE THE 2ND
RESPONDENT DATED 28.12.2014.

RESPONDENT(S)' EXHIBITS

NIL

/TRUE COPY/

VPS

PA TO JUDGE

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

W.P.(C) No.1192 of 2015

Dated this the 13th day of January, 2015

J U D G M E N T

P.N.Ravindran, J.

The petitioner is the Temple Advisory Committee of Sree Dharma Sastha Temple, Perumbavoor. In this writ petition, the petitioner seeks a writ in the nature of mandamus commanding respondents 1 and 2 to consider Ext.P4 representation and to allow the petitioner committee to continue in office for a further period of six months.

2. The petitioner has averred that on account of the failure of the board to counter sign receipts notwithstanding the requests in that regard contained in Exts.P1 and P2, the temple advisory committee had to incur loss approximately to the tune of Rs.1,50,000/- in connection with the Mandalavilakku festival, that as the term of the committee now in office expires on 28.1.2015 the committee had submitted Ext.P4 representation dated 28.12.2014 to the Commissioner, Travancore Devaswom Board requesting him to extend the term of the committee for a further period of six months, that though nearly a month has passed thereafter orders have not been passed thereon and therefore, the petitioner is constrained to move this court seeking the aforesaid reliefs.

3. The petitioner has in paragraph 2 of the writ petition averred that on account of the failure of the Devaswom Commissioner/Assistant

Devaswom Commissioner to consider and grant the request made in Exts.P1 and P2, the committee had to meet the expenses out of pocket and the members of the committee are indebted to the tune of Rs.1,50,000/- for the conduct of the festival. They have also averred that in such circumstances unless the term of the petitioner committee is extended by a further period of six months, the committee will suffer huge loss.

4. A reading of Ext.P4 representation indicates that the petitioner committee seeks extension of term so as to enable it to conduct the annual festival which is to be held from 7.4.2015 to 14.4.2015. The petitioner committee has in Ext.P4 stated that the committee will be in a position to recoup the loss incurred by it only if it is allowed to remain in office and to conduct the festival on the aforesaid dates. Bye-law 11 of the bye-laws framed by the Travancore Devaswom Board in exercise of the power conferred on it under section 31A of the Travancore Cochin Hindu Religious Institutions Act, 1950 stipulates that the term of the committee shall be for a period of two years from the date on which it assumes office. It is also stipulated that on account of developmental activities or the performance of rituals which cannot be postponed, the term of the committee can be extended by the Devaswom Commissioner for a further period of one year. The Board is also empowered to extend term of the committee for a further period of one year. In the instant case, the request of the petitioner committee is to enlarge the term of office for a period of six months so as to enable it to conduct the ensuing festival and to recoup the loss incurred by

the committee members. Such a request cannot on the terms of the bye-laws be countenanced. The court cannot therefore permit the temple advisory committee to continue in office so as to enable it to recoup the loss. We find no right in the petitioner to file Ext.P4 representation and a corresponding duty in the Board to consider Ext.P4 representation. The writ petition fails and is accordingly dismissed.

**P.N.RAVINDRAN,
(JUDGE)**

**ANIL K.NARENDRA,
(JUDGE)**

vps

