

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 1942 of 2015 (P)

PETITIONER:

**P.CHENTHAMARAKSHAN,
S/O.RAMANATHAN NAIR, SREEPRIYA,
KIZHAKKETHARA, PERUVEMBU, PALAKKADU.**

BY ADV. SRI.MOHAN C.MENON

RESPONDENT(S):

- 1. THE MALABAR DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
KOZHIKODE.**
- 2. THE COMMISSIONER,
MALABAR DEVASWOM BOARD, KOZHIKODE.**
- 3. AJAYAKUMAR, MANDALAM VICE PRESIDENT
AND GENERAL SECRETARY,
CHITTOOR CONSTITUENCY,
INDIAN NATIONAL CONGRESS COMMITTEE(I),
LATHIKA BHAVAN, PALAKKAD-678 531.**
- 4. VELAYUDHAN KUTTY, MANDALAM SECRETARY,
PERUVEMBU, MANDALAM,
INDIAN NATIONAL CONGRESS COMMITTEE,
THANKAYAM, PALAKKAD-678 531.**
- 5. CHAMIYAR, BOOTH COMMITTEE PRESIDENT,
INDIAN NATIONAL CONGRESS,
PERUVEMBU, PALAKKAD-678 531.**

R1 & R2 BY SRI.PARTHASARATHY.B, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 1942 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE NOTIFICATION DATED 01.12.12 ISSUED BY THE ASSITANT COMMISSIONER, MALABAR DEVASWOM BOARD.
- P2- TRUE COPY OF THE NOTICE ISSUED BY THE CONGRESS-I, IN CONNECTION WITH THE JANAPAKSHA YATHRA OF THE K.P.C.C. PRESIDENT.
- P3- TRUE COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER AND 6 OTHERS BEFORE THE 2ND RESPONDENT DATED 12.12.2014.
- P4- TRUE COPY OF THE REPRESENTATION SUBMITTED BY PETITIONER AND OTHERS BEFORE THE 2ND RESPONDENT DATED 15.12.2014.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON J.

~~~~~

W.P.(C) No. 1942 of 2015

~~~~~

Dated, this the 20th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers :

"(a) A writ in the nature of prohibiting, interdicting the respondents 1 and 2 from inducting respondents 3 to 5 as Non Hereditary Trustees of Sree Oottukulaganagara Bhagavathi Devaswom, Perumbu, Palakkad after calling for records leading to it;

and

(b) Issue such other writs, orders or directions, as this Hon'ble Court deems fit and proper to grant, in the facts and circumstances of the case.

2. The learned counsel for the petitioner points out that there is an attempt on the part of the respondents 1 and 2 to induct respondents 3 to 5 as the non-hereditary trustees of Sree Oottukulaganagara Bhagavathi Devaswom, which cannot be sustained on the eye of law because of various reasons, mainly that they have been office bearers of political organizations/ parties.

3. The learned standing counsel for the respondents 1 and 2 submits that the matter is still to be finalized and that there is absolutely no basis for the apprehension expressed from the part of the petitioner. It is pointed out that the petitioner has already moved the second respondent by way of Ext. P3 and that the matter has been directed to be inquired into; adding that the proceedings will be finalized at the earliest.

4. In the said circumstances, the second respondent is directed to finalize the proceedings forming the subject matter of Ext. P3, in accordance with law, after giving an opportunity of hearing to the petitioner, the respondents 3 to 5 and other interested parties, if any, at the earliest, any rate within 'six weeks' from the date of receipt of a copy of this judgment. 'Status quo' shall be maintained till such time.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the second respondent for further steps.

The Writ Petition is disposed of.

Sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

kmd