

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

WP(C).No. 3810 of 2015 (A)

PETITIONERS:

1. PRADEEP KUMAR. T.V
S/O.KUNHAMBU NAMBIAR, KIZHUPALATT HOUSE, PO.M.M.BAZAR
PEROOL, KANNUR DISTRICT.

2. AKHIL.K.M,
GOKULAM HOUSE, VELLUR AMSOM, PO.VELLUR
PAYYANUR, KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENTS:

1. ASSISTANT COMMISSIONER, MALABAR DEVASWAM BOARD
KASARAGOD DIVISION, KASARAGOD
PIN-671 120.

2. P.K.BALAKRISHNAN NAMBIAR,
CHAIRMAN, BOARD OF TRUSTEE, CHAMAKKAVU TEMPLE
VELLUR, PO.VELLUR, KANNUR DISTRICT
PIN-670307.

3. DEPUTY COMMISSIONER,
MALABAR DEVASWOM BOARD, KOZHIKODE DISTRICT
PIN-671120.

4. COMMISSIONER,
MALABAR DEVASWOM BOARD, KOZHIKODE DISTRICT
PIN-671120.

R1,R3 & R4 BY ADV. SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD
R2 BY ADV. SRI.M.SASINDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT.P1 TRUE COPY OF LETTER DATED 8-11-2011, SENT BY 1ST
RESPONDENT TO 4TH RESPONDENT

EXT.P2 TRUE COPY OF REPORT SUBMITTED BY THE LAND PROTECTION
SPECIAL TEAM OF HR & CE (ADMINISTRATION) DEPARTMENT

EXT.P3 TRUE COPY OF LETTER BEARING NO.A3-140/2008/MDB DATED
06-07-2011 ISSUED BY 1ST RESPONDENT

EXT.P4 TRUE COPY OF A MEMORANDUM DATED 20-06-2014 ISSUED BY THE
PETITIONERS AND OTHERS

EXT.P5 TRUE COPY OF LETTER DATED 22-12-2014 FORWARDED BY THE
DISTRICT COLLECTOR, KANNUR TO THE 1ST RESPONDENT

EXT.P6 TRUE COPY OF JUDGMENT IN W.P(C) 31575/2014 DATED 9-1-2015
PASSED BY THIS HON'BLE HIGH COURT.

EXT.P7 TRUE COPY OF THE ENQUIRY REPORT NO.13-5560/2014/MD.B(1)
DATED 28.01.2015 ISSUED FROM the 1st RESPONDENT

EXT.P8 TRUE COPY OF THE RECOMMENDED DISCIPLINARY ACTIONS TO BE
TAKEN NO.A3 5560/2014/MDB920 DATED 28.01.2015 BY THE 1st
RESPONDENT

RESPONDENT(S) ' EXHIBITS: NIL

True Copy /

P.A. to Judge

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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W.P(C).No.3810 of 2015

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Dated this the 27th day of May, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

We have perused the pleadings and the statement of the counsel for the second respondent. The complaint of the petitioners is against the private respondent who has allegedly encroached into lands belonging to the temple which is an institution which falls within the control of the Malabar Devaswom Board. Obviously therefore under the relevant Statute, the jurisdiction is with the appropriate statutory authority to take necessary steps and consider such complaints in accordance with law, after affording due opportunity of hearing to the necessary parties. This writ petition is ordered without expressing anything on merits but directing that the official respondents will do the needful in terms of the aforesaid at the earliest.

Sd/-

**THOTTATHIL B. RADHAKRISHNAN
Judge**

Sd/-

**SUNIL THOMAS
Judge**

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