

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 6004 of 2014 (A)

PETITIONER(S) :

P.C.AJAYAGHOSH, AGED 52 YEARS,
S/O. CHANDRASEKHARAN, THENGANAL HOUSE, KIZHAKOMPU P.O.
KOTHATTUKULAM, THE SECRETARY,
KSHETRA UPADESAKA SAMITHI SREE DHARMA SASTA TEMPLE
KOTHATTUKULAM OF TRAVANCORE DEVASWOM BOARD,
ERNAKULAM DISTRICT.

BY ADVS.SRI.S.RAJKUMAR
SRI.N.JAGATH

RESPONDENT(S) :

1. THE SECRETARY, TRAVANCORE DEVASWOM BOARD,
NANTHANCODE, THIRUVANANTHAPURAM-695 003.

2. THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM-695 003.

3. THE ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, THRIKKARIYOOR, PIN-686 692.

4. STATE OF KERALA ,
REPRESENTED BY SECRETARY TO GOVERNMENT OF KERALA,
REVENUE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695 001.

5. DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION, KAKKANAD
KOCHI-30.

6. RAJIV GANDHI CO-OPERATIVE HOSPITAL
REPRESENTED BY SECRETARY, KOTHATTUKULAM
ERNAKULAM DISTRICT-686 662.

7. KOTHATTUKULAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, KOTHATTUKULAM
ERNAKULAM DISTRICT-686 662.

8. GOVT. SERVANTS CO-OPERATIVE SOCIETY,
KOOTHATTUKULAM, REPRESENTED BY THE SECRETARY
GOVT.SERVANTS CO-OPERATIVE SOCIETY, KOOTHATTUKULAM
ERNAKULAM DISTRICT-686 662.

R7 BY ADV. SRI.K.M.JAMALUDHEEN

R6 BY ADV. SRI.ALIAS M.CHERIAN

R8 BY ADV. SRI.P.V.SANTHOSH JOSE

R8 BY ADV. SMT.DIVYA B.NAIR

R1-R3 BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM

BOARD

R BY GOVERNMENT PLEADER SRI.G.A.RENJITH

R BY SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 6004 of 2014 (A)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE LITHO MAP OF THE PROPERTY.

P2 : COPY OF THE ORDER IN DBP NO.64/2012 DTD.6.6.2012.

P3 : COPY OF THE PETITION DTD.17.2.2014 SUBMITTED BY THE PETITIONER
BEFORE THE 5TH RESPONDENT.

P4: COPY OF THE REPRESENTATION DATED 8/06/15 SUBMITTED BY PETITIONER
BEFORE 7TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS

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EXT.R6A: COPY OF ORDER GO/MS/NO.854/82/RD DATED 10/8/1982.

EXT.R6B: COPY OF DOCUMENT NO.894 OF 1983.

EXT.R6C: COPY OF RESOLUTION DATED 3/7/2005

EXT.R6D: COPY OF APPLICATION NO.1/75 DATED 29/7/2005

EXT.R6E: COPY OF THE MINUTES OF THE MEETING 13/11/2008

EXT.R6F: COPY OF REPRESENTATION NO.205/8/78 DATED 15/1/08

EXT.R6G: COPY OF MINUTES OF THE ANNUAL GENERAL BODY MEETING DATED
24/11/2013

EXT.R6H: COPY OF REPRESENTATION NO.60/PDT/2013 DATED 4/11/2013

EXT.R6I: COPY OF REPORT NO.MT/1/55471/13/2 DATED 28/8/2013.

EXT.R6J: COPY OF ORDER NO.8659/PS/2/2014 COP DATED 03/03/2015.

ET.R6K: COPY OF THE ORDER NO.HM1283/14 DATED 30/3/2015.

/TRUE COPY/

PS TO JUDGE.

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

W.P.(C). No.6004 of 2014

Dated this the 24th day of June, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

The petitioner contends that he is a devotee and the Secretary of the Kshetra Upadesaka Samithi, a body of persons who are interested in protecting Sree Dharma Sasta Temple, Koothattukulam. The allegation is that the Travancore Devaswom Board is not taking protective action in relation to the properties which vest in that deity.

2. Pursuant to the earlier orders, the TDB has placed a statement, which includes the communication of the Special Tahsildar to the Secretary, Travancore Devaswom Board issued on 16/8/2012, which shows that steps have been initiated under the Land Conservancy Act. While that document shows that different postings were effected, the fact of the matter remains that no steps have gone forward except issuing the final notices. When the notices under the Land Conservancy Act have been issued, the immediate requirement is that proceedings have to be completed after hearing all the necessary parties. Otherwise, it will be

prejudicial to the interest of the parties, either way.

The writ petition is ordered directing that the Special Tahsildar, Travancore Devaswom Board will conclude the proceedings initiated, as noted above, and final action taken shall be reported to the learned Ombudsman for Travancore and Cochin Devaswom Boards on or before 30th January 2016, without fail. Parties who are appearing in this case are directed to mark appearance before the Special Tahsildar to get the date on which the Special Tahsildar will hear the parties. The Special Tahsildar shall ensure that time fixed above is scrupulously complied with. All issues regarding the Board's claim and the plea raised by the private respondents are left open for consideration by the Special Tahsildar.

Sd/-

THOTTATHIL B.RADHAKRISHNAN
Judge

Sd/-

SUNIL THOMAS
Judge

dpk

/true copy/ PS to Judge.

