

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 4TH DAY OF MARCH 2015/13TH PHALGUNA, 1936

WP(C).No. 5871 of 2015 (H)

PETITIONER(S):

**PANACKAL KAVU SREE BHAGAVATHY DEVASWOM
TEMPLE ADVISORY COMMITTEE, VAKATHANAM,
KOTTAYAM DISTRICT, REP. BY ITS SECRETARY
SUNIL LAL, AGED 36 YEARS, S/O.JANAMMA, SUNIL VIHAR
VAKATHANAM (PO), KOTTAYAM DISTRICT.**

**BY ADVS.SRI.M.V.THAMBAN
SRI.R.REJI
SMT.THARA THAMBAN
SRI.B.BIPIN
SRI.ARUN BOSE**

RESPONDENT(S):

- 1. TRAVANCORE DEVASWOM BOARD,
NANTHANCOD, THIRUVANANTHAPURAM, PIN-695 001
REP. BY ITS SECRETARY.**
- 2. THE SECRETARY,
TRAVANCORE DEVASOM BOARD, NANTHANCOD
THIRUVANANTHAPURAM, PIN-695 001.**
- 3. THE DEVASOM COMMISSIONER,
OFFICE OF THE DEVASOM COMMISSIONER
THIRUVANANTHAPURAM, PIN-695 001.**
- 4. THE DEPUTY COMMISSIONER (ADMINISTRATION),
OFFICE OF THE DEVASOM COMMISSION,
THIRUVANANTHAPURAM, PIN-695 001.**
- 5. THE SUB GROUP OFFICER,
TRAVANCORE DEVASOM BOARD, CHANGANASSERY
KOTTAYAM DISTRICT, PIN-686 101.**

R1-R5 BY ADV.SRI.M.V.S.NAMBOOTHIRI, SC,TRAVANCORE DEVASWOM

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 :** TRUE COPY OF THE LETTER DATED 23-02-2013 BEARING ROC NO.2818/2013/NS(2).
- EXT P2 :** TRUE COPY OF THE LETTER DATED 06-09-2013 BEARING ROC NO.11368/13/M ISSUED BY THE 1ST RESPONDENT.
- EXT P3 :** TRUE COPY OF THE EXTRACT OF THE NOTICE DATED 02-07-2014 ISSUED BY THE PETITIONER DEVASWOM.
- EXT P4 :** TRUE COPY OF THE GUIDELINES DATED 30-11-2011 BEARING NO. ROC-1809/09/NS.
- EXT P5 :** TRUE COPY DATED 19-02-2015 ISSUED BY THE 5TH RESPONDENT
- EXT P6 :** TRUE COPY OF THE E-MAIL REPRESENTATION DATED 22-02-2015.
- EXT P7 :** TRUE COPY OF THE E-MAIL REPRESENTATION DATED 22-02-2015 BEFORE THE BOARD.

RESPONDENT(S)' EXHIBITS

- EXT.R1(a):** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PRESIDENT OF THE TEMPLE ADVISORY COMMITTEE TO THE ASSISTANT COMMISSIONER, CHANGANASSERY GROUP ON 15.1.2015.
- EXT.R1(b):** TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE OTHER MEMBERS OF THE TEMPLE ADVISORY COMMITTEE TO THE ASSISTANT COMMISSIONER, CHANGANASSERY GROUP ON 10.2.2015.

/TRUE COPY/

P.A. TO JUDGE

VPV

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

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W.P.(C)No.5871 of 2015

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Dated this the 4th day of March, 2015

JUDGMENT

P.N.Ravindran, J.

The Panackal Kavu Sree Bhagavathy Devaswom Temple Advisory Committee represented by its Secretary, Sri.Sunil Lal has filed this writ petition challenging Ext.P5 notice dated 19.2.2015 issued by the fifth respondent and seeking a declaration that the petitioner committee is entitled to have its term of office extended applying clause 11 of Ext.P4 guidelines. Relying on clause 11 of Ext.P4 guidelines it is contended that as the Meenabharani Mahothsavam is scheduled to be held on 23.3.2015 and various works are in contemplation, the term of the petitioner committee is liable to be extended.

2. The learned standing counsel appearing for the Travancore Devaswom Board has filed a statement dated 1.3.2015. In paragraph 2 it is stated that the President and other members of the Temple Advisory Committee have requested the Assistant Commissioner to elect a new Secretary to the Temple Advisory Committee after removing the petitioner from office. Ext.R1(a)

letter dated 15.1.2015 sent by the President of the petitioner committee in that regard is also enclosed. The learned standing counsel has also stated that a few members of the petitioner committee had submitted Ext.R1(b) representation dated 10.2.2015 requesting the Assistant Commissioner to take steps to constitute a new Temple Advisory Committee for the reason that they are not in a position to continue in office with Sri.Sunil Lal as the Secretary.

3. We heard Sri.R.Reji, learned counsel appearing for the petitioner and Sri.M.V.S.Nampoothiri, learned standing counsel appearing for the Travancore Devaswom Board. Sri.R.Reji, learned counsel appearing for the petitioner submitted relying on clause 11 of Ext.P4 guidelines that in the case on hand the Meenabharani festival is scheduled to be held shortly and various works are also contemplated and therefore, there is no reason why the term of the petitioner committee should not be extended. The learned counsel also submitted that two out of the seven persons who had subscribed their signatures to Ext.R1(b) representation are not even members of the Temple Advisory Committee and therefore, no reliance can be placed on the said representation. Per contra, Sri.M.V.S.Nampoothiri, learned standing counsel appearing for the Travancore Devaswom Board submitted that when the writ petition

first came up for admission hearing on 27.2.2015 this Court had directed the petitioner to produce the minutes if any evidencing the resolution/decision adopted by the Temple Advisory Committee whereby it resolved to seek extension of term and also authorised the petitioner to move an appropriate representation in that regard and also to move this Court, but such a resolution has not been produced and this fact coupled with the contents of Exts.R1(a) and R1(b) letters would show that the committee cannot function as a team and therefore, no exception can be taken to Ext.P5 notice. The learned standing counsel also submitted that in view of the pendency of the writ petition, a fresh Temple Advisory Committee has not been constituted.

4. We have considered the submissions made at the Bar by learned counsel appearing on either side. We have also gone thorough the pleadings and the materials on record. As stated earlier, the Secretary of the petitioner committee has not produced any resolution/decision adopted by the Temple Advisory Committee whereby it has resolved to seek extension of the term of office and has authorised the petitioner to move an appropriate representation in that regard and also to move this Court by filing a writ petition. That apart, the President of the petitioner committee has in Ext.R1

(a) letter expressed lack of confidence in the Secretary, who has presented this writ petition on behalf of the Temple Advisory Committee and requested that another Secretary may be elected. Five out of the nine members of the Temple Advisory Committee have along with two others submitted Ext.R1(b) representation requesting the Assistant Commissioner to constitute a new Temple Advisory Committee. The reason stated is that they are not in a position to get along with the Secretary of the Temple Advisory Committee. In such circumstances, as five out of the nine members of the Temple Advisory Committee have expressed lack of confidence in the Secretary, we are of the opinion that it would not be in the interests of the Devaswom and the devotees to permit the petitioner committee to continue in office. If there is infighting among the members of the Temple Advisory Committee it will affect the various construction activities referred to by the petitioner. Unless the members of the Temple Advisory Committee are willing to work as a team with faith and confidence in each other, the committee cannot effectively function. We are therefore of the considered opinion that the reliefs prayed for by the petitioner cannot be granted.

The writ petition fails and it is accordingly dismissed with a

direction to the respondents to constitute a new Temple Advisory Committee within two weeks from today.

Sd/-
P.N.RAVINDRAN
JUDGE

Sd/-
ANIL K.NARENDRA
JUDGE

vpv