

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. 9684 of 2013 (I)

PETITIONER:

KOYIKKAL PALLIYARAKAVU BHAGAVATHI KSETROPADESAKA SAMITHI
KAVALAYOOR.P.O, PERUMKULAM, AMBALATHUMPANA
ALAMCODE-695102.
REPRESENTED BY ITS SECRETARY
P.REGHUVARAN PILLAI, AGED 53 YEARS
S/O.KAMALASANAN PILLAI, RAJENDRA BHAVANAM
VALAVOORKONAM, PALAMKONAM, PERUMKULAM.P.O.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
HOME DEPARTMENT, THIRUVANANTHAPURAM-695001.
2. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS COMMISSIONER, NANTHANCODE
THIRUVANANTHAPURAM-695003.
3. THE SPECIAL TAHSILDAR,
DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM-690503.
4. THE VIGILANCE DIRECTOR,
KERALA STATE, P.M.G, THIRUVANANTHAPURAM-695001.
5. DHARMAPALAN,
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZATTINGAL VILLAGE, PIN-695101.
6. RAVEENDRAN,
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZATTINGAL VILLAGE, PIN-695101.
7. SURENDRAN,
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZATTINGAL VILLAGE, PIN-695101.

8. HAREENDRAN,
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZATTINGAL VILLAGE, PIN-695101.

9. BHUVANENDRAN,
S/O.NARAYANAN, KUNNUMPURATH VEEDU, MELATTINGAL DESOM
KEEZATTINGAL VILLAGE, PIN-695101.

BY SR.GOVERNMENT PLEADER SRI.A.RENJITH
R2 & 3 BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TDB
R5, R7,R8,R 9,R BY ADV. SRI.M.R.ANISON
R8,R 9 BY ADV. SMT.K.P.GEETHA MANI
R8,R 9 BY ADV. SMT.P.A.RINUSA
R8,R 9 BY ADV. SMT.V.BHARGAVI (PANANGAD)

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

- EXHIBIT-P1 TRUE COPY OF THE DOCUMENT NO.2211 OF 1122 DTD 28TH KUMBOM 1122.
- EXHIBIT-P1(a) TRUE COPY OF THE READABLE COPY OF EXT.P1 DOCUMENT PREPARED BY THE PETITIONER.
- EXHIBIT-P2 TRUE COPY OF THE DOCUMENT NO.152 OF 1974 DATED 30-01-1974.
- EXHIBIT-P2(a) TRUE COPY OF THE READABLE COPY OF EXT.P2 DOCUMENT PREPARED BY THE PETITIONER
- EXHIBIT-P3 TRUE COPY OF REPRESENTATION DATED NIL SUBMITTED BEFORE THE FIRSTRESPONDENT.
- EXHIBIT-P4 TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BEFORE THE 2ND RESPONDENT.
- EXHIBIT-P5 TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BEFORE THE INSPECTOR GENERAL OF REGISTRATION, VANCHIYOOR
- EXHIBIT-P6 TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BEFORE THE 4TH RESPONDENT.
- EXHIBIT-P7 TRUE COPY OF THE JUDGMENT DATED 17-10-2012 PASSED BY THIS HONOURABLE COURT IN WP(C)NO.17970 OF 2012.
- EXHIBIT-P8 TRUE COPY OF THE COVERING LETTER DATED 10-11-2012 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT-P9 TRUE COPY OF THE LETTER NO.1366 DTD 18.3.2013 OF THE ASSISTANT DEVASWOM COMMISSIONER
- EXHIBIT-P10 TRUE COPY OF THE LETTER NO.A1-400/2009 DTD 25.2.2013 OF THE 3RD RESPONDENT
- EXHIBIT-P11 TRUE COPY OF THE SKETCH SHOWING THE TEMPLE AND ITS PROPERTIES
- EXHIBIT-P12 TRUE COPY OF THE PLAINT IN OS NO.289 OF 2009 OF THE MUNSIFF COURT,ATTINGAL 13.7.2009
- EXHIBIT-P13 TRUE COPY OF APPEAL MEMORANDUM IN AS NO.38 OF 2013 FILED BEFORE THE SUB COURT,ATTINGAL DTD 17.7.2013
- EXHIBIT-P14 TRUE COPY OF THE I.A.NO.163 OF 2014 IN OS NO.289 OF 2009 FILED BY THE RESPONDENTS 7 AND 8 BEFORE THE MUNSIFF COURT,ATTINGAL

RESPONDENT(S)' EXHIBITS

EXHIBIT-R5(a)	TRUE COPY OF I.A.NO.1731/2013 IN OS 289 OF 2009 ON THE FILE OF MUNSIFF'S COURT,ATTINGAL
EXHIBIT-R5(b)	TRUE COPY OF CONDONATION OF DELAY IN IA NO.1731/2013 IN OS 289 OF 2009 ON THE FILE OF MUNSIFF'S COURT,ATTINGAL

//TRUE COPY//

P.S. TO JUDGE

vps

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

W.P.(C) No.9684 of 2013

Dated this the 4th day of March, 2015

J U D G M E N T

P.N.Ravindran, J.

The prayer in this writ petition filed by the petitioner Samithi is as follows:-

(i) To call for the records relating to Exts.P1 to P8 and to issue a writ of mandamus commanding the respondents 1, 3 and 4 to order Vigilance Enquiry into the manner of execution of Ext.P3 document for the purpose of grabbing temple property by registering criminal cases against the offenders including the respondents 5 to 9 and to bring them under law.

(ii) To issue a writ of mandamus commanding the 2nd respondent to take all steps including filing of suit, etc. or other legal remedies for the purpose of protecting the temple property.

(iii) To issue a writ of mandamus commanding the 3rd respondent to conduct survey of the temple properties and also to report about the encroachments made against the same by the respondents 5 to 9 by creating false documents in their favour showing the temple property as their property and also to initiate steps for summary eviction as contemplated in the Land Conservancy Act.

2. Though there is ambiguity in the relief sought in the writ petition, on going through the papers it appears that the main relief sought is an order directing the Special Tahsildar, Travancore Devaswom Board, to take steps to recover possession of the lands belonging to Koyikkal Palliyarakavu Bhagavathi Temple. The records disclose that the petitioner had earlier filed W.P.(C) No.17970 of 2012

seeking a similar relief and it was disposed of by Ext.P7 judgment delivered on 17.10.2012 with a direction to the Special Tahsildar to expedite the proceedings initiated by him under the Kerala Land Conservancy Act, 1957. This Court also held that the request for a vigilance enquiry would not survive if the Travancore Devaswom Board takes appropriate action in accordance with law on the basis of the report of the Special Tahsildar.

3. It is not in dispute that pursuant to Ext.P7 judgment of this Court, the Special Tahsildar had after notice to respondents 5 to 9 issued orders on 1.7.2013 calling upon them to surrender possession of different parcels of land in their possession. The persons aggrieved thereby have filed appeals before the Revenue Divisional Officer and they are pending. We have by judgment delivered today disposed of W.P.(C) No.21604 of 2013 filed by respondents 5, 7, 8 and 9 herein and three others with a direction to the Revenue Divisional Officer to dispose of the appeals pending before him. We have in the said judgment directed that the petitioner herein will also be heard in the appeals. We have also kept in abeyance the order passed by the Special Tahsildar on 1.7.2013 until disposal of the said appeal. In such circumstances, as the Board has already initiated steps to recover possession of the lands belonging to the Koyikkal Palliyarakavu

Bhagavathi Temple, the relief prayed for in the instant writ petition cannot be granted. In such circumstances, we are of the opinion that no orders are called for in this writ petition. It is accordingly closed.

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

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

vps