

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 7976 of 2014 (V)

PETITIONER(S) :

RAJESH KUMAR V.,
CHALACHAL MELE PUTHUVAL PUTHEN VEEDU, VELLAYANI
NEMOM P.O., THIRUVANANTHAPURAM-695020.

BY ADVS.SRI.P.N.MOHANAN
SRI.K.N.AJAYAN
SMT.I.VINAYAKUMARI
SRI.K.S.ARUNDAS
SRI.C.P.SABARI

RESPONDENT(S) :

1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHANCOD, THIRUVANANTHAPURAM-695001.
2. ASSISTANT COMMISSIONER,
SUB GROUP OFFICE, TRAVANCORE DEVASWOM BOARD,
NEYATTINKARA, THIRUVANANTHAPURAM-695121.
3. THE SUB GROUP OFFICER,
BADHRAKALI DEVI TEMPLE, VELLAYANI, NEMOM P.O.,
THIRUVANANTHAPURAM-695020.

R1-R3 BY SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVASWOM BOARD
BY SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27-10-2015,
ALONG WITH WPC. 9686/2014, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXT. P1: COPY OF THE LETTER DATED 9.7.2009 IN STAMP PAPER.
- EXT. P2: COPY OF THE JUDGMENT DATED 2.7.2013 IN WPC.NO.2998/12.
- EXT. P3: COPY OF THE ORDER DATED 28.2.2014 OF THE FIRST RESPONDENT.
- EXT. P4: COPY OF THE COMMUNICATION DATED 24.2.2014 UNDER THE RIGHT TO INFORMATION ACT.
- EXT. P5: COPY OF THE CERTIFICATE ISSUED BY THANDAN SERVICE SOCIETY.
- EXT. P6: COPY OF THE CONSENT LETTER DATED 01/01/1985.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.M. SHAFFIQUE, J.

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W.P. (C) Nos. 7976 & 9686 of 2014

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Dated this, the 27th day of October, 2015

J U D G M E N T

Petitioners in these writ petitions challenge the common order passed by the Secretary of the Travancore Devaswom Board (for short 'TDB') by which it was found that the ritual of Chenda Lavanam in Sree Bhadrakali Devi Temple, Vellayani, Nemom, Trivandrum has to be done by the Thandan Community.

2. Petitioner in WP(C) No.7976/2014 had in fact approached this Court earlier seeking for necessary directions claiming that the right has to be given to the Mundakkal family and not to the entire Thandan Community. As per judgment dated 2/7/2013 in WP(C) No.2998/2012, this Court (myself) directed the Devaswom Commissioner to consider the respective claims. Ext.P3 in WP(C) No.7976/2014 is the order dated 28/2/2014 in which after considering the available materials, it was found that Chenda Lavanam has to be done through members of Thandan Community. The contention urged by the petitioner is that the claim of Mundakkal family was not independently considered. He

had also produced an additional document as Ext.P6, which is letter dated 1/1/1985 purportedly written by his great grand father indicating their right to carry on Chenda Lavanam.

3. WP(C) No.9686/2014 has been filed by a third person challenging the very same order passed by the TDB *inter alia* contending that the benefit of performing Chenda Lavanam should not be confined to Thandan Community alone, where as it has to be permitted to be done by members of all the communities. They refer to Ext.P9 dated 27/9/2013 issued by the Assistant Devaswom Commissioner to the Commissioner wherein it was stated that members of different communities were performing the Chenda Lavanam in the said temple.

4. Learned Standing Counsel appearing on behalf of the TDB however submits that a decision was taken in terms of Ext.P3 (in WP(C) No.7976/2014) based on the available materials. There was no material to indicate that Mundakkal family alone was permitted to carry on the karaima activities and therefore based on available materials, a decision had been taken. He supported the stand taken in Ext.P3.

5. Having regard to the factual circumstances involved in

W.P(C) Nos.7976 & 9686/2014

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the case, especially the contentions urged by two groups and production of certain additional materials, Ext.P6 in WP(C) No.7976/14 and Ext.P9 in WP(C) No.9686/2014, I am of the view that in view of the availability of such materials, it is for the TDB to once again consider whether any right exists on either of the parties in respect of their separate claims. Hence, these writ petitions are disposed of as under;

Petitioners in these cases shall file appropriate representation before the TDB with available materials and the Secretary shall consider the claims, after hearing all the affected persons and thereafter orders may be passed within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

A.M. SHAFFIQUE, JUDGE

Rp

28/10/2015

//True Copy//

P.S to Judge