

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 8211 of 2015 (B)

PETITIONER(S):

**KRISHNAN THANGAL,
S/O MADHAVAN THANGAL, AGED 82 YEARS,
THE HEREDITARY TRUSTY, MAKERI DEVASWAM,
KURINGOTTILLAM, PURAERI (P.O.), VADAKARA.**

**BY ADVS.SRI.NIDHI BALACHANDRAN
SRI.SABU GEORGE**

RESPONDENT(S):

- 1. THE COMMISSIONER,
MALABAR DEVASWAM BOARD, HOUSEFED COMPLEX,
ERANHIPPALAM KOZHIKODE-673 006.**
- 2. THE DEPUTY COMMISSIONER,
HINDU RELIGIOUS AND CHARITABLE
ENDOWMENT (ADMINISTRATION) DEPARTMENT,
CIVIL STATION, KOZHIKODE-673 020.**
- 3. THE ASSISTANT COMMISSIONER,
MALABAR DEVASWAM BOARD, THALASSERY-670 101.**
- 4. SRI. MAKKERI DEVASWAM
REPRESENTED BY IT'S EXECUTIVE OFFICER, MAKKERI (P.O),
KANNUR DISTRICT-670 622.**

**R1,R3 &R4 BY SRI.K.R.SUNIL, SC, MALABAR DEVASWAM BOARD
R2 BY SENIOR GOVERNMENT PLEADER SRI. K.C. VINCENT**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

AD/

WP(C).No. 8211 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 : TRUE COPY OF THE ORDER DATED 4.3.2003 ISSUED BY THE 2ND
RESPONDENT APPOINTING THE FIT PERSON.**

**EXHIBIT P2 : TRUE COPY OF THE ORDER DATED 20.7.2004 ISSUED BY THE 1ST
RESPONDENT.**

**EXHIBIT P3 : TRUE COPY OF THE ORDER DATED 21.01.2013 OF THE 1ST
RESPONDENT.**

**EXHIBIT P4 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE FIT
PERSON BEFORE THE 3RD RESPONDENT ON 8.10.2013.**

**EXHIBIT P5 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE FIT
PERSON BEFORE THE 3RD RESPONDENT ON 4.12.2013.**

**EXHIBIT P6 : TRUE COPY OF THE APPLICATION DATED 29.5.2014 SUBMITTED BY
THE FIT PERSON UNDER RIGHT TO INFORMATION ACT.**

**EXHIBIT P7 : TRUE COPY OF THE REPLY DATED 28.6.2014 ISSUED BY THE OFFICE
OF THE 3RD RESPONDENT TO THE PETITIONER.**

**EXHIBIT P8 : TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED
13.1.2015.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

AD/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No. 8211 OF 2015
.....

Dated this the 17th March, 2015

J U D G M E N T

The petitioner has approached this court with the following prayers:

"i) issue a writ of Certiorari or any other writ, order or direction in the nature thereof quashing Ext.P8 proceedings of the second respondent.

ii) issue a writ of mandamus or any other writ, order or direction in the nature thereof directing the 2nd respondent to permit the petitioner to function with the aid of a 'fit person' on the basis of Exhibit P1 order;

iii) pass such other orders as this Honourable Court deems fit and necessary in the interest of justice for the proper and effective adjudication of the case;

iv) award the cost of the writ petition to the petitioner ."

2. Heard the learned Counsel for the petitioner as well as the learned Standing Counsel for the respondent Devaswom.

3. During the course of hearing, it is brought to the notice of this Court by the learned Standing Counsel for the respondent Devaswom that the petitioner is having an effective alternative remedy as provided under Section 18 of Hindu Religious and

Charitable Endowments Act, 1951, if aggrieved of Ext.P8. In the said circumstance, the petitioner is relegated to move the appellate authority in terms of the statutory provisions. Without prejudice to the rights and liberties as above, interference is declined and the writ petition is dismissed.

P.R.RAMACHANDRA MENON
JUDGE

/k