

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C) .No. 9500 of 2015 (J)

PETITIONER(S) :

V.P.HARIDASAN NAMBOODIRI, AGED 65 YEARS
S/O.SANKARAN NAMBOODIRI, THEERTHAM HALL, TRICHAMBARAM,
TALIPARAMBA PO, TALIPARAMBA VILLAGE, TALIPARAMBA TALUK
KANNUR DISTRICT - 670 141.

BY ADVS.SRI.V.T.MADHAVAN UNNI
SRI.J.ABHILASH

RESPONDENT(S) :

1. MALABAR DEVASWOM BOARD
REPRESENTED BY COMMISSIONER,
MALABAR DEVASWOM BOARD,
ERANHIPPALAM PO, KOZHIKODE DISTRICT-673 006.
2. K.RAVI KUMAR,
COMMISSIONER, MALABAR DEVASWOM BOARD,
ERANHIPPALAM PO, KOZHIKODE DISTRICT - 673 006.
3. A.VILASINI
DEPUTY COMMISSIONER (ADMINISTRATION)
MALABAR DEVASWOM BOARD, ERANHIPPALAM PO,
KOZHIKODE DISTRICT - 673 006.
4. ASSISTANT COMMISSIONER OF KASARGOD
OFFICE OF THE ASSISTANT COMMISSIONER
MALABAR DEVASWOM BOARD, NEELESWARAM PO
KASARAGOD DISTRICT - 671 314.
5. SRI.SANKARAN NARAYANAN NAMBOODIRIPAD
ADVOCATE, THIRUVNAGAD PO,
(FIT PERSON OF SREE TRICHAMBARAM DURGA
BHAGAVATHI TEMPLE, TALIPARAMBA),
THALASSERY PO., KANNUR DISTRICT - 670 103.

WPC9500/15

6. M.P.NARAYANAN NAMBOODIRI
MOOTHEDATH PERKKULAM ILLOM, KADANNAPPALI PO.,
PILATHARA (VIA), KANNUR DISTRICT - 670 504.
7. C.V.SANAL KUMAR
S/O.ACHUTHA WARRIER, TALIPARAMBA PO,
TALIPARAMBA AMSOM
TRICHAMBARAM DESOM, KANNUR DISTRICT - 670 141.

R1-R4 BY ADV. SRI.K.R.SUNIL,
SC, MALABAR DEVASWOM BOARD

R7 BY ADV. SRI.V.BINOY RAM

R5 BY ADV. SRI.N.M.MADHU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: COPY OF THE RECEIPT ISSUED BY THE 5TH RESPONDENT TO MRS. V.P.ARYABALA DATED 31-7-2010.

EXT.P2: COPY OF THE APPOINTMENT ORDER ISSUED BY THE TRUSTEE OF THE SREE TRICHAMBARAM DURGA BHAGAVATHI TEMPLE DATED 30-11-2000.

EXT.P3: COPY OF THE REPORT SUBMITTED BY THE 2ND RESPONDENT BEFORE THE 3RD RESPONDENT DATED 23-7-2011.

EXT.P4: COPY OF THE ORDER ISSUED BY THE 3RD RESPONDENT DATED 17-10-2011.

EXT.P5: COPY OF THE LAWYER NOTICE DATED 5-2-2014.

EXT.P6: COPY OF THE REPLY NOTICE SENT BY THE COMMISSIONER DATED 26-2-2014.

EXT.P7: COPY OF THE REPLY SENT BY THE COMMISSIONER DATED 26-3-2014.

EXT.P8: COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WP(C) NO.11745/2014 DATED 6-6-2014.

EXT.P9: COPY OF THE NOTICE OF ENQUIRY ISSUED TO THE PETITIONER DT.4-8-2014.

EXT.P10: COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED 5-12-2014.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

.....
WP(C) No.9500 of 2015
.....

Dated this the 18th day of November, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1.Appellant, who is an erstwhile employee of Sree Neerkott Ganapathi Temple, Trichambaram, is challenging confirmation of the seventh respondent, who has been employed in that temple by the fifth respondent, who is the fit person and who is eligible to act on behalf of Kurumathur Illom, which is managing the temple. We say this, at the outset, because we put a query to the petitioner as to what is his locus standi to get involved and raised an issue in relation to service matter of a person to whom the petitioner is neither an adversary nor a competitor in any selection or for continuance in service.

2.Petitioner attempted to object to the confirmation of the seventh respondent. The Assistant Commissioner of the Malabar Devaswom Board conducted an enquiry. Ultimately, after

extending an opportunity of hearing through the Deputy Commissioner, the Commissioner, MDB, repelled the plea of the petitioner raising objections against appointment of the seventh respondent and his confirmation in the services of the aforesaid temple. We do not see that the action taken by the MDB authorities needs any visitation by this Court in exercise of authority under Article 226 of the Constitution of India, at any rate, at the instance of a person, who does not have locus standi to challenge the said appointment and regularisation. This writ petition, therefore, fails.

In the result, this writ petition is dismissed.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)