

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C) .No. 15543 of 2013 (P)

PETITIONER:

CHOVVA MAHA SIVAKSHETHRA AYYAPPA BHAKTHA SANGAM
CHOVVA, KANNUR, REPRESENTED BY T.P.NATARAJAN
S/O.GOVINDAN, ELAYOOR AMSOM, CHOVVA
KANNUR.

BY ADV. SRI.A.C.VENUGOPAL

RESPONDENTS:

1. THE EXECUTIVE OFFICER
CHIRAKKAL KOVILAKAM, CHIRAKKAL, KANNUR DISTRICT.

2. THE COMMISSIONER MALABAR DEVASWOM BOARD
KOZHIKODE.

* Addl.3. CHOVVA MAHA SIVAKSHETHRE PUNARUDHARANA COMMITTEE
REPRESENTED BY ITS SECRETARY.
CHIRAKKAL KOVILAKAM, CHIRAKKAL, KANNUR DISTRICT.

(ADDL. R3 IS IMPEADED AS PER ORDER DATED 26.06.2013 IN IA 8410/2013)

R3 BY ADV. SRI.P.U.SHAILAJAN
R1 BY ADV. SRI.K.V.SOHAN
R1 BY ADV. SMT.SREEJA SOHAN.K.
R2 BY ADV. SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD
R2 BY SRI. V.KRISHNA MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1- TRUE COPY OF THE PROCEEDINGS OF ASSISTANT COMMISSIONER HR AND CE (ADMINISTRATION) GRANTING APPROVAL FOR THE CONSTRUCTION OF AYYAPPA TEMPLE DATED 2-6-1983.

EXHIBIT P2- TRUE COPY OF THE NOTICE PUBLISHED COPY IN THE LOCALITY WITH RESPECT TO THE 'PRATHISHTA KARMAM' DATED 1-6-1992.

EXHIBIT P3- TRUE COPY OF THE LETTER PERMITTING PETITIONER SANGHAM TO INSTALL 'BALIKALLU' AS PER THE DIRECTIONS OF SRI. KANIPPAYOOR KRISHNAN NAMBOOTHIRIPAD DATED 21-10-2012.

EXHIBIT P4- TRUE COPY OF THE ORDER DATED 15-9-2012 PASSED BY THE 2ND RESPONDENT.

EXHIBIT P5- TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 2ND RESPONDENT DATED 23-2-2013.

EXHIBIT P6- TRUE COPY OF THE JUDGMENT PASSED BY THIS HON'BLE COURT IN O.P. (C) 985/2013 DATED 14-3-2013.

EXHIBIT P7(A)- TRUE COPY OF THE ADVOCATE COMMISSIONER'S PLAN.

EXHIBIT P7(B)- TRUE COPY OF THE ADVOCATE COMMISSIONER'S REPORT DATED 8-4-2013.

EXHIBIT P8- TYPE WRITTEN COPY OF THE ORDER PASSED BY SUB COURT, KANNUR IN I.A. 517/2013 IN O.S. 93/2013 DATED 12-4-2013.

EXHIBIT P9- TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE THE ASSISTANT COMMISSION, MALABAR DEVASWOM.

EXHIBIT P10- PHOTOGRAPHS OF THE TEMPLE.

RESPONDENT(S) ' EXHIBITS:

EXHIBIT R3(a): TRUE COPY OF THE LETTER ISSUED TO the PETITIONER DATED 20.06.2011 BY THE EXECUTIVE OFFICER

EXHIBIT R3(b): TRUE COPY OF THE LETTER ISSUED TO the PETITIONER DATED 3.9.2011 BY THE EXECUTIVE OFFICER

EXHIBIT R3(c): TRUE COPY OF THE LETTER ISSUED TO THE PETITIONER DATED 15.11.2011 BY the EXECUTIVE OFFICER

EXHIBIT R3(d): TRUE COPY OF THE APPLICATION SUBMITTED BY PETITIONER FOR PERMISSION TO RECONSTRUCT the AYYAPPA TEMPLE DATED 16.2.2011

EXHIBIT R3(e) : TRUE COPY OF the LETTER ISSUED BY UNNIKRISHNA
NAMBOODIRI DATED 23.10.2009

EXHIBIT R3(f) : TRUE COPY OF THE LETTER ISSUED BY UNNIKRISHNAN
NAMBOODIRI DATED 25.06.2011

EXHIBIT R3(g) : TRUE COPY OF THE LETTER OF DIRECTION OF THANTRI DATED
30.06.2011

EXHIBIT R3(h) : TRUE COPY OF THE ORDER DATED 29.01.2014 OF the
COMMISSIONER, MALABAR DEVASWOM BOARD

True Copy /

P.A to Judge

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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W.P(C).No.15543 of 2013

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Dated this the 22nd day of July, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

This writ petition is filed seeking a direction not to shift the idol of Lord Ayyappa in the temple in question without conducting certain rituals like swarnaprasnam, ashtamangalyaprasnam and devaprasnam. It is now a matter of record through the materials produced by the respondents that necessary steps in that regard were taken and initially, the Malabar Devaswom Board had granted sanction for the work as well. Under such circumstances, this writ petition has become infructuous.

Accordingly, this writ petition is dismissed as infructuous.

Sd/-

**THOTTATHIL B. RADHAKRISHNAN
Judge**

Sd/-

**SUNIL THOMAS
Judge**

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