

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.K.MOHANAN
&
THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 19TH DAY OF MAY 2015/29TH VAISAKHA, 1937

WP(C).No. 14695 of 2015 (J)

PETITIONER(S):

K.P.RATHEEP, AGED 51 YEARS
KOTHERI HOUSE, CHALAD PO, KANNUR DISTRICT
PRESIDENT, FORMER ULSAVAKHOSHA COMMITTEE.

BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENT(S):

1. THE COMMISSIONER, MALABAR DEVASWOM BOARD
HOUSE FED COMPLEX ERANHIPALAM, KOZHIKODE-673 006.
2. THE ASST. COMMISSIONER,
MALABAR DEVASWOM BOARD, THALASSERI-679 532.
3. THE MANAGER,
SREE CHALAD DHARMASASTHA TEMPLE, CHALAD PO
KANNUR-670 014.
4. K.C.SADANANDAN,
EXECUTIVE OFFICER, SREE PALLIKUNU MOOKAMBIKA TEMPLE
PALLIKUNNU PO-670 004.(FORMER EXECUTIVE OFFICER
SREE CHALAD DHARMASASTHA TEMPLE)

SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 14695 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 : TRUE COPY OF THE ORDER DATED 20-11-2014 IN RP 19/14 BY THE COMMISSIONER.

P2 : TRUE COPY OF THE LIST OF MEMBERS SUBMITTED BY THE 3RD RESPONDENT BEFORE THE 2ND RESPONDENT DATED 27-12-2014.

P3 : TRUE COPY OF THE ORDER NO.A3/924/2014/MDB DATED 13-4-2015.

P4 : TRUE COPY OF THE COMPLAINT DATED 26-4-2015 SUBMITTED BEFORE THE 1ST RESPONDENT.

P5 : TRUE COPY OF THE COMPLAINT WAS FILED BY ONE SOORAJ P.K. ON 30-4-2015 BEFORE THE 4TH RESPONDENT.

P6 : TRUE COPY OF THE REVISION PETITION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 14-5-2015.

P7 : TRUE COPY OF THE PETITION FOR STAY FILED BY THE PETITIONER IN REVISION PETITION FILED BEFORE THE 1ST RESPONDENT DATED 14-5-2015.

P8 : TRUE COPY OF THE APPLICATION FOR INITIATING DISCIPLINARY PROCEEDINGS AGAINST EXECUTIVE OFFICER.

P9 : TRUE COPY OF THE NOTICE PUBLISHED BY THE 3RD RESPONDENT DATED 7-5-2015.

RESPONDENT(S)' EXHIBITS : nil

(TRUE COPY)

V.K.MOHANAN
&
P.B.SURESH KUMAR, JJ.

W.P.(C) No.14695 of 2015

Dated 19th May, 2015.

J U D G M E N T

V.K.Mohanana, J.

Petitioner is the former President of the Ulsavakhosha Committee of Chalad Sree Dharmasastha Temple in Kannur District. The grievance now projected by the petitioner in the above Writ Petition is that the second respondent Assistant Commissioner has issued Ext.P3 order in total violation of Ext.P1 order issued by the Commissioner, against which the petitioner has preferred Ext.P6 revision petition before the first respondent, which is pending. However, notwithstanding the fact that the petitioner has already approached the competent authority by filing Ext.P6, the third respondent has issued Ext.P9 notice which shows, according to the petitioner, that the order under challenge is going to be implemented. So, it is prayed in the above Writ

Petition to issue a writ of mandamus or any other appropriate writ or order or direction, directing the first respondent to consider Ext.P6 revision petition filed against Ext.P3 order of the second respondent and to pass appropriate orders within a time frame to be fixed by this Court and in the meanwhile, the operation and implementation of Exts.P3 and P9 may be deferred.

2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

3. Having regard to the facts and circumstances involved in the case, we are of the view that this writ petition need not be retained on the file of this Court but the same can be disposed of considering the limited prayer of the petitioner. Challenging the legality and validity of Ext.P3 order, the petitioner has already filed Ext.P6 revision petition, which according to the learned counsel appearing for the first respondent, has been received by the first respondent. It goes without saying that during the pendency of Ext.P6, if Ext.P9 is

implemented, the same will become infructuous. So, it is only just and proper to keep in abeyance all proceedings pursuant to Ext.P9 notice till Ext.P6 is disposed of.

In the result, this writ petition is disposed of directing the first respondent to take up Ext.P6 revision petition, if the same is in order and dispose of the same as expeditiously as possible, at any rate, within 45 days from today and in the meanwhile, he is directed to defer all further proceedings pursuant to Ext.P9. The petitioner is directed to produce the certified copy of this judgment forthwith before the first respondent.

Sd/-

V.K.MOHANAN, JUDGE.

Sd/-

P.B.SURESH KUMAR, JUDGE.

tgs

(true copy)