

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN

&

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 16138 of 2014 (N)

PETITIONER(S) :

K.ANILKUMAR,
S/O. KUMARAPILLA, KOCHUMARUTHARACKALVILAVEETIL,
PARASSALA, THIRUVANANTHAPURAM.

BY ADV. SRI.T.RAJASEKHARAN NAIR

RESPONDENT(S) :

1. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY
OFFICE OF THE DEVASWOM BOARD, NANDANCODU
THIRUVANANTHAPURAM-695 001.

2. THE DEVASWOM COMMISSIONER
DEVASWOM BOARD, THIRUVANANTHAPURAM-695 001.

3. THE ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCAORE DEVASWOM BOARD, NEYYATTINKARA,
THIRUVANANTHAPURAM-695 001.

4. THE SUB GROUP OFFICER,
THIRUVITHAMCORE DEVASWOM BOARD
PARASSALA SUB GROUP OFFICE, MURIYANGARA ELANGAM,
SRI.BHUVANASSERI TEMPLE, PARASSALA,
THIRUVANANTHAPURAM-695 001.

5. THE VIGILANCE OFFICER,
VIGILANCE AND SECURITY OFFICE,
TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM-695 001.

6. THE PRESIDENT,
TEMPLE ADVISORY SAMITHY, MURIYANGARA ELANGAM,
SRI.BHUVANASSERI TEMPLE, PARASSALA,
THIRUVANANTHAPURAM-695 001.

R1-R3 BY ADV. SRI.A.N.RAJAN BABU, SC,
TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16138 of 2014 (N)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF THE FINAL NOTIFICATION OF THE TERMS AND CONDITIONS IN
RESPECT OF CONSTRUCTION A TEMPLE ADVISORY SAMITY.

P2 : COPY OF THE REPORT OF THE VIGILANCE OFFICER.

P3 : COPY OF THE REPRESENTATION SUBMITTED BY THE LOCAL PEOPLE ALONG
WITH THE DEVOTEES OF THE TEMPLE.

P4 : COPY OF THE COMMUNICATION DTD.29.11.2012 ISSUED BY THE 2ND
RESPONDENT GRANTING CONSENT TO THE COMMITTEE.

P5 : COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER ALONG WITH
CERTAIN DEVOTEES OF THE TEMPLE BEFORE THE OMBUDSMAN FOR TRAVANCORE
COCHIN, DEVASWOM BOARDS.

P6 : COPY OF THE COMMUNITATION DTD.25.7.2013 ISSUED BY THE DEVASWOM
OMBUDSMAN TO THE PETITIONER.

RESPONDENT(S) ' EXHIBITS

EXHIBIT R1: COPY OF PROCEEDINGS DATED 2.1.2010.

/TRUE COPY/

PS TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN
&
ANU SIVARAMAN, JJ**

W.P(C).No. 16138 of 2014

Dated this the 30th September,2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

Heard learned counsel for the petitioner and the learned Standing Counsel for the Travancore Devaswom Board.

2. The complaint of the petitioner is that the Travancore Devaswom Board has not acted on Exhibit P2 Report of the Vigilance Officer and that the Temple Advisory Committee has been later reconstituted in 2013 by including certain non Hindus.

3. At the outset, we may say that the Temple Advisory Committee survives no more than the statutory period in terms of the Bye-laws of the Travancore Devaswom Board which are approved by this Court. That position notwithstanding, no person who is alleged to have been one who is not eligible to be included is impleaded in

this Writ Petition. Hence, we are not inclined to go into that issue of inclusion of non Hindus in the Temple Advisory Committee.

4. In so far as the complaint that no action has been taken on Exhibit P2, that report was in May, 2009, whereas this Writ Petition is filed in 2014. Yet, the Commissioner, Travancore Devaswom Board has now come on record stating that way back on 2.1.2010 itself, the then Commissioner had issued proceedings warning the officers concerned, because it was noted that the 5% to be accounted to the Devaswom Board has already been accounted.

Under the aforesaid circumstances, we see no reason to issue any direction in this Writ Petition. The Writ Petition fails and the same is dismissed accordingly.

**THOTTATHIL B.RADHAKRISHNAN
JUDGE**

**ANU SIVARAMAN
JUDGE**