

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 16328 of 2015 (M)

PETITIONER/PETITIONER:

KAMANKULANGARA SREE MAHADEVA KSHETHRA SAMRAKSHANA SAMITI,
REPRESENTED BY ITS PRESIDENT,AGED 77 YEARS
S.RAMKRISHNA PILLAI(S.R.K.PILLAI), SANKARAMANGALAM
CHAVARA.P.O, KOLLAM DISTRICT.

BY ADVS.SRI.P.CHANDRASEKHAR
SRI.S.PRASANTH
SRI.SOORAJ T.ELENJICKAL
SRI.P.A.MOHAMMED SHAH
SMT.P.M.MAZNA MANSOOR
DR.S.GOPAKUMARAN NAIR (SR.)

RESPONDENTS/RESPONDENTS:

1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, DEVASWOM BOARD OFFICE
NANTHANCOD, THIRUVANANTHAPURAM-695003.
2. THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, DEVASWOM BOARD OFFICE
NANTHANCOD, THIRUVANANTHAPURAM-695003.
3. THE DEPUTY DEVASWOM COMMISSIONER,
DEVASWOM OFFICE, HARIPAD-690514.
4. THE ASSISTANT DEVASWOM COMMISSIONER,
DEVASWOM OFFICE, KARUNAGAPPALLY
KOLLAM DISTRICT-690518.

R1-R4 BY ADV. SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 16328 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 TRUE COPY OF THE BYE-LAWS OF THE PETITIONERS SAMITHI
EXT.P1(A) TRUE COPY OF THE CERTIFICATE REGISTRATION OF THE PETITIONER
EXT.P2 TRUE COPY OF THE LETTER DATED 21.06.2012 ISSUED BY THE
PETITIONER TO THE MANAGER,DISTRICT CO-OPERATIVE
BANK,KOLLAM
EXT.P3 TRUE COPY OF THE CERTIFICATE ISSUED BY THE GROUP
OFFICER,KAMANKULANGARA DESOM,
EXT.P4 TRUE COPY OF ONE SUH SEALED COUPON ISSUED BY THE 1ST
RESPONDENT TO THE PETITIONER
EXT.P4(A) TRUE COPY OF THE PRINTED NOTICE PUBLISHED FOR THE "SREEMAD
BHAGAVATA SAPTAHA JHANA YAJNAM"
EXT.P5 TRUE COPY OF THE REPRESENTATION DATED 24.10.2013 SUBMITTED
BY THE PETITIONER TO THE 4TH RESPONDENT
EXT.P6 TRUE COPY OF THE BYE LAWS OF THE STATUTORY TEMPLE ADVISORY
COMMITTEE
EXT.P7 TRUE COPY OF THE LETTER DATED 2.2.2013 SUBMITTED BY THE
PETITIONER TO THE 2ND RESPONDENT
EXT.P8 TRUE COPY OF THE LETTER DATED 23.4.2015 WRITTEN BY THE
SECRETARY OF THE BOARD TO THE 2ND RESPONDENT
EXT.P9 TRUE COPY OF THE LEGAL ADVICE DATED 26.4.2013 FORWARDED TO
THE BOARD BY THE LEGAL ADVISOR
EXT.P10 TRUE COPY OF THE LETTER DATED 4.6.2014
EXT.P11 TRUE COPY OF THE LETTER DATED 24.4.2015
EXT.P12 TRUE COPY OF THE REPRESENTATION DATAED 09.05.2015
SUBMITTED BY THE PETITIONER TO THE HON'BLE
OMBUDSMAN,THIRUVITHANCURE COCHIN DEVASWOM BOARD.

RESPONDENTS' EXHIBITS NIL

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

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W.P.(C).No.16328 of 2015

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Dated this the 2nd day of December, 2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

- 1.This writ petition is filed challenging Ext.P11 order by which the Travancore Devaswom Board refused to recognise the petitioner Samithi as the Temple Advisory Committee for the Kamankulangara Temple.
- 2.Hearing the learned counsel appearing for the parties, it is noted that the petitioner has expressed its willingness to recast its bylaws in terms of the statutory requirements. It is further pointed out that the petitioner was not given an opportunity of pre-decisional hearing. Under such circumstances, the impugned Ext.P11 is quashed and it is directed that the competent authority in Travancore Devaswom Board will hear the petitioner and take a decision

de novo in relation to the matter. The petitioner is directed to mark appearance in the office of the Commissioner of Travancore Devaswom Board on 08.02.2016, so that appropriate date can be fixed by that office to hear the petitioner.

The writ petition ordered accordingly without expressing anything on the merits of the claim of the writ petitioner as projected in the writ petition. All other issues are left open.

sd/-

Thottathil B.Radhakrishnan, Judge

sd/-

Anu Sivaraman, Judge