

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 17327 of 2014 (M)

PETITIONER(S) :

1. VALANJAMBALAM DEVI SEVA SAMITHY TRUST
ERNAKULAM, KOCHI - 682 016
REPRESENTED BY ITS SECRETARY,
RAM MEENA BUILDING
VALANJAMBALAM, ERNAKULAM, KOCHI - 682 016.
2. N.HARIDAS, AGED 75 YEARS,
S/O.LATE NARAYANAN, ADVOCATE, MANAGING TRUSTEE
VALANJAMBALAM DEVI SEVA SAMITHY TRUST,
ERNAKULAM, KOCHI - 682 016,
RESIDING AT 'POYKAYIL'
KALATHIPARAMBU ROAD, ERNAKULAM,
KOCHI - 682 016.
3. KRISHNAKUMAR MENON, AGED 54 YEARS,
S/O.MANIKKIRI PADMANABHA MENON, TREASURER,
VALANJAMBALAM DEVI SEVA SAMITHY TRUST,
ERNAKULAM, KOCHI - 682 016,
RESIDING AT M.I.G 185,
GANDHI NAGAR, KOCHI - 682 020.
4. PRAVEENKUMAR, AGED 42 YEARS,
S/O.NANDAKUMAR, EXECUTIVE COMMITTEE MEMBER
VALANJAMBALAM DEVI SEVA SAMITHY TRUST,
ERNAKULAM, KOCHI - 682 016.

BY ADVS.SRI.P.B.KRISHNAN
SRI.P.M.NEELAKANDAN
SRI.P.B.SUBRAMANYAN
SRI.SABU GEORGE

RESPONDENT(S) :

1. COCHIN DEVASWOM BOARD
COCHIN DEVASWOM BOARD BUILDINGS, ROUND NORTH
TRISSUR - 680 001,
REPRESENTED BY ITS SECRETARY.

2. THE SPECIAL DEVASWOM COMMISSIONER
COCHIN DEVASWOM BOARD
COCHIN DEVASWOM BOARD BUILDINGS, ROUND NORTH
THRISSUR - 680 001.
3. RAVIPURAM DEVASWOM OFFICER
RAVIPURAM SREEKRISHNA TEMPLE, ERNAKULAM
KOCHI - 682 016.
4. K.RAMACHANDRAN NAIR
PRESIDENT, VALANJAMBALAM DEVIS KSHETHRA
UPADESAKA SAMITHY,
S.A.ROAD, ERNAKULAM, KOCHI - 682 016,
RESIDING AT 'POORNIMA', ALAPPAT CROSS ROAD,
RAVIPURAM, KOCHI - 682 016.
5. RENJITH P.R
SECRETARY,
VALANJAMBALAM DEVI KSHETHRA UPADESAKA SAMITHY,
S.A ROAD, ERNAKULAM, KOCHI - 682 016

R1 & R2 BY ADV. SRI.UNNIKRISHNAN.V.ALAPATT

R4 & R5 BY ADV. SRI.P.B.AJOY

R BY SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - COPY OF TRUST DEED NO. 146/2013 S.R.O, ERNAKULAM DATED
27.3.13.

P2 - COPY OF THE APPLICATION FILED UNDER THE RIGHT TO
INFORMATION ACT, 2005, DATED 14.3.14

P3 - COPY OF THE COMMUNICATION NO. I.A/C.D.B.57/14 RECEIVED
FROM COCHIN DEVASWOM BOARD DATED 15.4.14.

P4 - COPY OF THE ORDER NO. A5 - 222/14, ISSUED BY SPL.
DEVASWOM COMMISSIONER DATED 04.2.14.

P5 - COPY OF RELEVANT PAGES OF THE PASS BOOK/ACCOUNT
STATEMENT DATED NIL.

RESPONDENT(S) ' EXHIBITS

R5(a) : COPY OF ORDER OF THE PROCEEDINGS OF THE 1ST
RESPONDENT BOARD DATED 25.11.2013.

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

.....
WP(C) No.17327 of 2014
.....

Dated this the 10th day of June, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard the learned counsel for the petitioners, the learned standing counsel for the Cochin Devaswom Board and the learned counsel for respondent Nos.4 and 5.
2. First petitioner is a trust and other petitioners are members of the trust registered as per Ext.P1. It professes itself to be a trust constituted for the benefit of the matters in connection with Valanjambalam Devi Temple. It is not an advisory committee approved by the Cochin Devaswom Board. The Cochin Devaswom Board appears to insist that no member of such trust can be permitted to act also as a member of the Temple Advisory Committee. But, the fact of the matter remains that the question relating to finalisation of bye-laws of Temple Advisory Committees under the Cochin Devaswom Board is yet to obtain

approval of this Court, in view of certain review petitions.

Petitioners now face Ext.P4 essentially holding the first petitioner trust as an unlawful institution. It is also part of Ext.P4 that there is a restriction imposed on members of the first petitioner trust being included in the Temple Advisory Committee. But, the fact of the matter remains that the first petitioner trust or its members were not heard in connection with any such decision; more particularly those members who are likely to be excluded from the Temple Advisory Committee for the reason that they are members of the first petitioner trust. Under such circumstances, we are of the view that ends of justice require that the first petitioner trust and such of its members who may object to Ext.P4 are given an opportunity of post decisional hearing in relation to Ext.P4, by treating it as a notice. If the petitioners or any other member of the first petitioner trust places appropriate objections to Ext.P4 before the Special Devaswom Commissioner, Cochin Devaswom Board, they shall be heard and decision taken, in

accordance with law, within an outer limit of three months from the date of receipt of a copy of this judgment and such representations, whichever is earlier. This writ petition is ordered leaving open all issues on merits.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)

ja