

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No. 18552 of 2015 (T)

PETITIONER(S) :

1. THAMMANAM ANATHAPURAM KSHETRA UPADESHAKA SAMITHI
AGED 54 YEARS
REPRESENTED BY ITS SECRETARY, SRI.KUNHIKUTTAN A.R.
THAMMANAM P.O., KOCHI - 682 032.

2. THE PRESIDENT
THAMMANAM ANATHAPURAM KSHETRA UPADESHAKA SAMITHI
THAMMANAM P.O., KOCHI - 682 032.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENT(S) :

1. COCHIN DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, THRISSUR - 1.

2. THE SPECIAL DEVASWOM COMMISSIONER
COCHIN DEVASWOM BOARD, THRISSUR - 1.

3. THE ASSISTANT COMMISSIONER
COCHIN DEVASWOM BOARD, TRIPUNITHURA GROUP
TRIPUNITHURA, KOCHI - 682 301.

4. THE DEVASWOM OFFICER
VYTTILA DEVASWOM, DEVASWOM OFFICE, VYTTILA - 682 019.

R BY SRI SHRI G. RAJAGOPAL, SC, COCHIN DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18552 of 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE PROCEEDINGS DATED 10.01.14 OF THE 2ND
RESPONDENT.
EXHIBIT P2. TRUE COPY OF THE BYE-LAWS FOR THE TEMPLE ADVISORY
COMMITTEES DRAFTED BY THE 1ST RESPONDENT.
EXHIBIT P3. TRUE COPY OF THE REPRESENTATION PREFERRED BEFORE THE 1ST
RESPONDENT DATED 04.01.2015.
EXHIBIT P4. TRUE COPY OF THE REPLY SENT BY THE PETITIONER DATED
24.01.2015.
EXHIBIT P5. TRUE COPY OF THE O.M DATED 24.01.2015 ISSUED BY THE 2ND
RESPONDENT.
EXHIBIT P6. TRUE COPY OF THE SANCTION ORDER FOR CIVIL WORK BY THE
ASSISTANT ENGINEER.
EXHIBIT P7. TRUE COPY OF THE REPLY DATED 08.02.2015 SENT TO THE 2ND
RESPONDENT.
EXHIBIT P8. TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED
21.02.2015.
EXHIBIT P9. TRUE COPY OF THE REPLY GIVEN BY THE PETITIONER.
EXHIBIT P10. TRUE COPY OF THE COMMUNICATION SENT TO THE 4TH RESPONDENT
DATED 05.03.2015.
EXHIBIT P11. TRUE COPY OF THE NOTICE.
EXHIBIT P12. TRUE COPY OF THE NOTICE PERTAINING TO CHANDANAMCHARTHAL
AND BAGAVADASAPAHAM.
EXHIBIT P13. TRUE COPY OF THE PHOTOGRAPHS.
EXHIBIT P14. TRUE COPY OF THE RECEIPT EVIDENCING THE PAYMENT OF
RS.3000/-.
EXHIBIT P15. TRUE COPY OF THE ORDER DATED 16.06.2015 ISSUED BY THE 4TH
RESPONDENT.
EXHIBIT P16. TRUE COPY OF THE ORDER DATED 05.06.2015 ISSUED BY THE 1ST
RESPONDENT.
EXHIBIT P17. TRUE COPY OF THE INTIMATION RECEIVED FROM THE BANK.
EXHIBIT P18. TRUE COPY OF THE REPRESENTATION MADE BY THE PETITIONER
DATED 18.06.2015.

RESPONDENT(S) ' EXHIBITS

NIL

P.S. TO JUDGE

**T.R. RAMACHANDRAN NAIR &
K.P. JYOTHINDRANATH, JJ.**

W.P.(C)No.18552 of 2015

Dated this the 22nd day of June, 2015

JUDGMENT

Ramachandran Nair, J.

The petitioners are the Secretary as well as President of Thammanam Ananthapuram Kshethra Upadeshaka Samithi. They are aggrieved by the proceedings of the Board whereby the Committee has been removed for certain violations pointed out in Ext.P16.

2. Heard learned counsel for the petitioners and learned Standing Counsel for the Board.

3. It is mainly contended that the order Ext.P16 was communicated along with Ext.P15. It is therefore submitted that the proceedings were not preceded by any show cause notice to the committee and that has deprived them an opportunity to put forward their side of the picture.

4. Learned counsel for the petitioners, Shri Praveen Kumar submitted that the findings in Ext.P16 are also not true and actually the

Committee had submitted applications for permission. It is also submitted that the fourth respondent had actually inaugurated the Bhagavatha Sapthaham also.

5. Learned Standing Counsel for the Devaswom Board submitted that on a prior occasion when it was noticed that the Committee has been collecting amounts without permission, they were informed in advance that they shall not indulge in such activities. It is also submitted that Ext.P8 grants permission only for the conduct of the festival and they have not been permitted to collect amounts towards offerings and Vazhipadus.

6. In a matter like this where the Committee is removed from office, evidently the same will have to be done in tune with the principles of natural justice. Therefore, compliance of natural justice requires an opportunity to put-forth their objections after a show cause notice is issued and a personal hearing on the various aspects also. In that view of the matter, we are of opinion that prima facie the contentions of the petitioners in that regard appear to be sustainable.

7. In the light of the above, we are of the view that Ext.P16 can be treated as a show cause notice and the Committee can be allowed to

offer their objections and a personal hearing also will be granted by the second respondent. The same will be done within a period of three weeks from today.

8. Learned counsel for the petitioners submitted that for certain expenditures incurred, cheques have been issued and therefore the same may have to be honoured. We are of the view that since we have directed Ext.P16 to be treated as a show cause notice, the Committee can function, but as regards the payments to be made, they will obtain permission from the Special Devaswom Commissioner. If an application is made in that regard, the same also will be considered by the Special Devaswom Commissioner for passing appropriate orders or in issuing directions. It is also made clear that we have not expressed anything on the merits of the matter.

The writ petition is accordingly disposed of. No costs.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH,, JUDGE.)

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