

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).No. 24590 of 2010 (W)

PETITIONER(S):

**D.SATHYAN, AGED 38 YEARS,
S/O. DIVAKARAN NAIR, VETTIKAL HOUSE
KUMARAMANGALAM P.O., THODUPUZHA, IDUKKI DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SMT.PREETHY KARUNAKARAN
SRI.K.RAVI (PARIYARATH)**

RESPONDENT(S):

- 1. THE STATE OF KERALA, REP.BY THE
SECRETARY TO THE GOVT. DEVASWOM DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE TRAVANCORE DEVASWOM BOARD, REP.BY
ITS SECRETARY, TRAVANCORE DEVASWOM BUILDING
THIRUVANANTHAPURAM-685 603.**
- 3. DEVASWOM OFFICER, TRAVANCORE DEVASWOM
BOARD, THRIKARIYUR GROUP, THODUPUZHA SUB
GROUP, IDUKKI DISTRICT - 685 603.**
- 4. THE SPL.TAHSILDAR, LAND CONSERVANCY
DEPARTMENT, TRAVANCORE DEVASWOM BOARD, NANDANKOD
THIRUVANANTHAPURAM - 695 001.**
- 5. SABU,S/O. JANARDHANAN, CHENAD VEEDU,
KUMARAMANGALAM P.O., THODUPUZHA, IDUKKI DISTRICT
PIN-685 584.**

**Addl.6. SAJU, AGED 42 YEARS,
S/O JANARDHANAN, CHENAD VEEDU, KUMARAMANGALAM P.O.,
THODUPUZHA, IDUKKI DISTRICT - 685 608.
(ADDL.R6 IMPEADED AS PER ORDER DATED 22.07.2015 IN IA 10526/15.)**

**Addl.7. SHAMSUDHEEN.A.U, AGED 44 YEARS,
S/O.UMMER, ARAPPARAMBIL HOUSE, THODUPUZHA P.O,
PIN-685 565.**

**Addl.8. NISAR.A.U, AGED 40 YEARS,
S/O.UMMER, RESIDING -DO-**

**ADDL.9. AFILA SHAMSUDHEEN,
W/O.SHAMSUDHEEN, AGED 40 YEARS,
RESIDING -DO-**

**R2-R4 BY ADVS. SRI.P.G.PARAMESWARA PANICKER (SR.)
SRI.P.GOPAL**

**R5, ADDL R6 BY ADV. SRI.E.D.GEORGE
RADDL.7 -R 9 BY ADV. SRI.UNNIKRIISHNAN.V.ALAPATT
R1 BY SRI.A.RENJITH, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-11-2015,
ALONG WITH WPC. 29747/2010, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

DG

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE FILED PLAN OF FILED NO.359 ISSUED BY THE TALUK OFFICE, THODUPUZHA DATED 4/5/2010.
- EXT.P2: COPY OF THE RELEVANT PAGE OF THE TAX REGISTER ISSUED BY THE TALUK OFFICE, THODUPUZHA DATED 21/5/2010.
- EXT.P3: COPY OF THE RELEVANT PAGES OF THE SETTLEMENT REGISTER DATED NIL.
- EXT.P4: COPY OF THE DOCUMENT NO.999 DATED 1/11/1115 ME.
- EXT.P5: COPY OF THE LIST OF ENCROACHMENT REMOVED.
- EXT.P6: COPY OF THE REQUEST OF THE PETITIONER BEFORE THE 4TH RESPONDENT WITH A COPY OF THE OTHER RESPONDENTS DATED NIL.
- EXT.P7: COPY OF THE RECEIPT EVIDENCING ISSUANCE OF EXT.P6 DATED 1/6/2010.
- EXT.P8: COPY OF THE ACKNOWLEDGEMENT CARD ISSUED BY THE RESPONDENTS DATED 3/6/2010.

RESPONDENT'S EXHIBITS:

- EXT.R2(a): COPY OF THE RELEVANT PAGE OF THE SETTLEMENT REGISTER OF KUMARAMANGALAM PAKUTHI VILLAGE WITHIN THODUPUZHA TALUK OF TRAVANCORE GOVERNMENT.
- EXT.R2(b): COPY OF THE RE-SURVEY SKETCH IN RESPECT TO FIELD NO.359 OF KUMARAMANGALAM VILLAGE WITHIN THODUPUZHA TALUK.
- EXT.R6(a): COPY OF THE PATTAYAM IN THE YEAR 1975.
- EXT.R6(b): COPY OF THE JUDGMENT DATED 7/12/1973 IN O.S.NO.52/1971 OF MUNSIF COURT, THODUPUZHA.
- EXT.R6(c): COPY OF THE JUDGMENT DATED 7/8/1978 IN APPEAL 161/1974 OF DISTRICT COURT, ERNAKULAM.
- EXT.R6(d): COPY OF THE JUDGMENT DATED 7/6/1984 IN S.A.370/1979-D OF HIGH COURT OF KERALA.
- EXT.R6(e): COPY OF THE ORDER/PROCEEDING OF R.D.O. IDUKKI DATED 7.3.2000.
- EXT.R6(f): COPY OF THE PARTITION DEED DATED 2.2.1968.
- EXT.R6(g): COPY OF THE ENCUMBRANCE CERTIFICATE FROM THE YEAR 1968-2015.

**EXT.R6(h): COPY OF THE LOCAL ENQUIRY REPORT IN THE FILE OF THE
LAND TRIBUNAL IN O.A.NO.16/74.**

**EXT.R6(i): COPY OF THE REPORT OF THE VILLAGE OFFICER,
KUMARAMANGALAM DATED 22.11.2014.**

//TRUE COPY//

P.A TO JUDGE

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

W.P.(C).No.24590 of 2010

Dated this the 18th day of November, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard the learned counsel for the parties. Fourth respondent is the Special Tahsildar for the Travancore Devaswom Board. The writ petitioner, though proceeds to say that he is a devotee, he is one among those who was part of a committee which was the subject matter of W.P.(C) No. 29747 of 2010. That writ petition has been disposed of as per a separate judgment issued today.

2. The complaint of the petitioner is that certain lands belonging to Travancore Devaswom Board and referable to the Kumaramangalam Valliyanikad Bhagavathi temple are in the possession of strangers including the private respondents in this writ petition. Some of the private respondents pointed out

that they have obtained decrees, which are confirmed by the superior courts. All that is required in the present scenario is to direct the fourth respondent to look into whether the immovable properties of the afore-noted temple are properly secured. If any action is due against any person in accordance with law, that shall be initiated; subject to all defences that may be available to any person, including on the basis of decrees noted above.

Writ petition ordered accordingly.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG

