

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

FRIDAY, THE 21ST DAY OF AUGUST 2015/30TH SRAVANA, 1937H

WP(C).No. 23028 of 2015 (C)

PETITIONER(S):

**K.K.VISWANATHAN, AGED 62 YEARS
S/O. KRISHNA KAMMATH, KOROLIPARAMBIL HOUSE
IRINJALAKUDA, THRISSUR - 680 121.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT
DEVASWOM DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM- 695 001.**
- 2. THE KODALMANIKAM DEVASWOM,
REPRESENTED BY ITS ADMINISTRATOR, IRINJALAKUDA P.O
THRISSUR - 680 121.**
- 3. P.N.ANAND, MELSANTHI, KODALMANIKYAM TEMPLE,
PUTHILLATHU MANA, IRINJALAKKUDA,
THRISSUR DISTRICT, 680 121
IS IMPEADED AS ADDL.R3 VIDE ORDER DATED 12.08.2015
IN IA.NO.11611/2015.**
- 4. RAGHAVA MENON, AGED 70 YEARS, S/O KRISHNA MENON,
PANAMPILLY HOUSE, CHALAKUDY P.O., THRISSUR DISTRICT, CHAIRMAN,
KODALMANICKAM TEMPLE, MANAGING COMMITTEE.**
- 5. SREEVALLABHAN NAMBOODIRI, AGED 50 YEARS, S/O SUBRAMANIAN
NAMBOODIRI, AANIMANGALATH MANA, IRINJALAKUDA, THRISSUR
DISTRICT, THANTHRI, KODALMANIKAM TEMPLE MANAGING COMMITTEE.
4th AND 5th RESPONDENTS IMPEADED VIDE ORDER DATED 21.08.2015 IN
IA.NO.12249/2015.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.A.RENJITH
RADDL3 BY ADV. SMT.SREEKALA KRISHNADAS
R2 BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
R2 BY ADV. SRI.S.SUJIN
RADDL..4TH RESPONDENT. BY ADV. SRI.RAJIT**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-08-2015,
ALONG WITH COC. 1126/2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1 - TRUE COPY OF THE COMMUNICATION OF THE 2ND
RESPONDENT DATED 25/07/2015.
- EXHIBIT-P2 - TRUE COPY OF THE REPLY OF THE SENIOR MEMBER
OF THE THANTHRI FAMILY DATED 27/07/2015.
- EXHIBIT-P3 - TRUE COPY OF THE NEWSPAPER REPORT PUBLISHED
IN MATHRUBHUMI DAILY DATED 22/07/2015.

RESPONDENT(S)' EXHIBITS

- EXT.R3(1) - TRUE COPY OF KODALMANIKYAM DEVASWOM ACT, 2007.
- EXT.R3(2) - TRUE COPY OF CHATTAVARIYOLA
- EXT.R3(3) - TRUE COPY OF LETTER DATED 05.12.2006 ISSUED BY THE
FAMILY MEMBERS OF PUTHILANTHU MANA
- EXT.R3(4) - TRUE COPY OF THE JUDGMENT IN WPC.NO.10153/2009 OF
HIGH COURT OF KERALA
- EXT.R3(5) - TRUE COPY OF THE LETTER DATED 10.08.2009 ISSUED BY
THE ADMINISTRATOR
- EXT.R3(6) - TRUE COPY OF THE NOTICE ISSUED BY THE ADMINISTRATOR
DATED 23.07.2015
- EXT.R3(7) - REPLY DATED 23.07.2015 GIVEN TO THE ADMINISTRATOR
DATED 23.07.2015
- EXT.R3(8) - TRUE COPY OF THE LETTER DATED 7.12.2008 ISSUED BY THE
ADMINISTRATOR
- EXT.R3(9) - TRUE COPY OF THE LETTER DATED 21.04.2015 ADDRESSED
TO THE ADMINISTRATOR
- EXT.R2(a) - TRUE COPY OF THE REPLY DATED 23.07.2015 SUBMITTED BY
ANANDAN PUTHILLATHU TO THE ADMINISTRATOR
- EXT.R2(b) - TRUE COPY OF THE REPLY DATED 03.08.2015 FROM THANTHRI
SRI.K.P.RAMAN NAMBOOTHIRIPAD
- EXT.R2(c) - TRUE COPY OF THE REPLY DATED 17TH KARKIDAKAM, 1190
(ME) FROM THANTHRI SRI.N.P.PARAMESWARAN
NAMBOOTHIRIPAD
- EXT.R2(d) - TRUE COPY OF THE REPLY DATED 4.8.2015 FROM THANTHRI
SRI.NAGARAMANNILLATHU THRIVIKRAMAN NAMBOOTHIRI.

/TRUE COPY/

PA TO JUDGE

VS

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

**W.P.(C).No.23028 of 2015 &
Con.Case.No.1126 of 2015**

Dated this the 21st day of August, 2015

JUDGMENT

T.R.Ramachandran Nair, J.

This writ petition is filed by the petitioner, who is a devotee of Shri.Koodalmanikyam Temple. The apparent reason for filing the writ petition is to have a uniform system for opening the Temple in the morning.

The writ petitioner has prayed for the following relief:-

“ Issue a Writ of Mandamus or any other appropriate writ order or direction commanding the respondents to see that the religious practices are followed in the strict sense in as much as the timing schedule for opening of the temple for the general public to have worship there is followed scrupulously, leaving no room for any complaint from any section of the general public as at present being had, in the interest of justice.”

2. The then Melshanti of the temple P.N.Anand, sought for impleadment as additional respondent, for which an application is filed. We allowed the application

and he is arrayed as additional 3rd respondent. This Court had occasion to hear the learned counsel for the petitioner, the learned counsel appearing for the 3rd respondent and the learned Senior counsel for the Devaswom and had passed an interim order dated 12.08.2015. The chairman and another member of the Managing Committee nominated from Thanthri families have also been impleaded as additional respondents.

3. The core issue pertains to the time for opening of the Temple in the early morning. The petitioner points out that the system in the Temple was to open it up at 3'Clock in the morning whereas, the learned counsel for the 3rd respondent submitted that the said matter is governed by the Chattavariyola of the Temple. It is also highlighted that there are other aspects to be considered with regard to the prayer made by the petitioner. We had occasion to interact with Sri.Sreevallabhan Namboodiri, one of the Thanthries, who was present in the Court on the day, the interim order was

passed. He is also a member of the managing committee.

4. Heard both sides.

5. After hearing parties on both sides, we have put it to the learned counsels, that since it is a purely religious aspect, concerning the affairs of the Temple, it is only proper that the Thanthries of the Temple themselves take a decision in the matter, so as to avoid any controversy and to have a full proof system with regard to the opening of the Temple in the morning. This is especially so, in the light of Section 35 of the Koodalmanikyam Devaswom Act, 2005, which states that "the decision of the Thanthri of the Temple on all religious, spiritual, ritual or ceremonial matters pertaining to the Devaswom shall be final, unless such decision violates any provision contained in any law for the time being in force."

6. Therefore, in respect of a purely religious matter, the decision will have to be taken by the Thanthries. Apart from the same, as far as the issue being

one concerning a religious matter, this Court will not be able to intervene and direct the Administrator or the Managing Committee to open the Temple at a particular time.

7. It is submitted by learned counsel on both sides and the learned Senior counsel for the Devaswom that the matter can be left to the Thanthries of the Temple to take a decision. It is also submitted that there are six Thanthri families and in the impleading petition filed by the Managing Committee, details of four Thanthri families have been given.

7. Thus we are of the view that the competent members representing the Thanthri families will have a discussion on all these matters and they have to fix an appropriate time for opening of the Temple in the morning and regarding the other rituals and formalities, facilities ect. in connection with the opening of the Temple. One of the aspects pointed out by the learned counsel for the Melshanti is that for enabling the Melshanti to open the

Temple, Palliyunarthal is the first act that has to be done by a 'Marar' and there are other rituals also connected with the same. All these matters we leave it to the decision of the Thanthries and appropriate decision will be taken as expeditiously as possible, which will be complied with by all concerned.

This writ petition is accordingly disposed of. We also direct the Administrator of the temple to see that the meeting of the Thanthries is arranged on an appropriate date and time to the convenience of the Thanthries.

Con.Case.No.1126/2015

This case is filed by the petitioner, Melsanti of the Temple by relying upon Annexure A judgment. In the said judgment this Court addressed grievances regarding want of facilities for functioning as 'Purappedasanthi' of the temple. What is highlighted is lack of facilities and it is submitted by the learned Senior counsel for the Devaswom that the same will be looked into and an appropriate decision will be taken. The necessary

assistance by way of deputing a competent employee would be done in this matter.

This contempt case is accordingly closed.

Sd/-
T.R.RAMACHANDRAN NAIR,
JUDGE

Sd/-
K.P.JYOTHINDRANATH,
JUDGE

VS