

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 23569 of 2015 (U)

PETITIONERS:

1. SREE POORNATHRAYEESA SEVA SANGHAM
REPRESENTED BY ITS SECRETARY V INDUCHOODAN TRIPUNITHURA
KOCHI 682 301

2. SREE POORNATHRAYEESA SEVA SANGHAM
REPRESENTED BY ITS PRESIDENT SRI JAYAN MANGAYIL
THRAYEESAM, MANGAYIL HOUSE, MARADU P.O
KOCHI 682 304

BY ADVS.SRI.ASP.KURUP
SRI.SADCHITH.P.KURUP

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY
KERALA SECRETARIATE, THIRUVANANTHAPURAM 695 001

2. THE SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, KERALA SECRETARIATE
THIRUVANANTHAPURAM 695 001

3. THE DISTRICT COLLECTOR,
COLLECTORATE, KAKKANAD, KOCHI 682 030

4. COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY
COCHIN DEVASWOM BOARD OFFICE, THRISSUR 680 001

5. THE SPECIAL DEVASWOM COMMISSIONER
COCHIN DEVASWOM BOARD, THRISSUR 680001

R4,R5 BY ADV. SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD
R BY GOVERNMENT PLEADER SRI. A.RENJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-
10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

WP(C) .No. 23569 of 2015 (U)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF JUDGMENT DATED 12-11-2009 IN WPC 8177/2009
PASSED BY THIS HONOURABLE COURT

EXHIBIT P2 TRUE COPY OF REPRESENTATION DATED 26-12-2013 GIVEN BY
PETITIONER TO THE CHIEF MINISTER & OTHERS

EXHIBIT P3 TRUE COPY OF LETTER NO 9276/H2/09/H.E.D DATED 8-4-2014
ISSUED BY SECRETARY, PRINTING & STATIONERY TO THE 3RD RESPONDENT

EXHIBIT P4 TRUE COPY OF REPORT NO 301/14 DATED 30-10-2014 ISSUED BY
THE VILLAGE OFFICER TO 3RD RESPONDENT

EXHIBIT P5 TRUE COPY OF LETTER NO K.L.K A/758/14 DATED 4-11-2014 ISSUED
BY THE KERALA LALITHAKALA ACADEMY TO HIGHER EDUCATION(H) DEPT

EXHIBIT P6 TRUE COPY OF LETTER NO H4-17827/14 DATED ISSUED BY ADDL.
TAHSILDAR TO THE 3RD RESPONDENT

EXHIBIT P7 TRUE COPY OF LETTER NO L3/17253/14 DATED ISSUED BY 3RD
RESPONDENT TO HIGHER EDUCATION DEPT.

EXHIBIT P8 TRUE COPY OF LETTER NO 29641/DEVA-2/2015/RD DATED 12-06-2015
ISSUED BY 1ST RESPONDENT TO 4TH RESPONDENT

EXHIBIT P10 TRUE COPY OF LETTER NO R476/97 DATED 20-07-2015 ISSUED BY
5TH RESPONDENT TO 2ND RESPONDENT

EXHIBIT P11 PHOTOGRAPHS SHOWING THE PRESENT CONDITION OF THE OOTTUPURA
BUILDING

RESPONDENT(S) ' EXHIBITS :NIL

TRUE COPY

P.S. TO JUDGE

AL/-

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

W.P.(C) No.23569 of 2015

Dated this the 20th day of October, 2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

This writ petition is filed seeking a direction to respondents 1 and 2, that is to say, the State of Kerala and its authorities to hand over possession of an item of land which is 52 cents in Survey No. 1478 of Nadama Village to the fourth respondent. Today, the learned Government Pleader has placed before us a copy of communication No.29641/Dev.2/2015/RD dated 11.8.2015 addressed by the Special Secretary in the Revenue (Devaswoms) Department to the Advocate General, Kerala. We take that document on record as Ext.C1. It can be seen from that document that the aforementioned parcel of land is shown as Thripunithura Devaswom land as per the original records and resurvey records. The Stationery Department has relinquished its claim over that parcel of land. The Lalithakala Academy has abandoned its project to set up an Art gallery. Under such circumstances, the writ petition is ordered declaring that the land mentioned in Ext.C1 which is 52 cents in survey No. 1478 of Nadama Village belongs to Poornathrayeesa Temple

and is, therefore, Devaswom land under the control of the Cochin Devaswom Board. It is further declared that the Cochin Devaswom Board is in possession and ownership of that item of land and the Cochin Devaswom Board and its Commissioner are, therefore, directed to protect whatever structure is available in that land including wood and other materials and to ensure that necessary steps are taken for proper renovation or reconstruction leading to the upkeep and proper accounted utilisation of the building which is now in existence. The Thripunithura Police is hereby directed to ensue that all assistance is given on any request of the Assistant Commissioner of Cochin Devaswom Board to provide adequate protection as may be called for, to prevent any theft or other incidents in connection with the said temple building.

The writ petition is ordered accordingly.

Sd/-

Thottathil B. Radhakrishnan, Judge

Sd/-

Anu Sivaraman, Judge

al/- 27.10.

True copy

P.S to Judge