

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. 26863 of 2013 (G)

PETITIONER(S) :

C.PURUSHOTHAMAN, AGED 46 YEARS,
S/O. PUDIYAPARAMBATH NARAYAN, CHAPPARAMBIL HOUSE
PERUVALATHUPARAMBU P.O., IRIKKOOR, KASARAGOD DISTRICT.

BY ADV. SRI.V.JOHN MANI

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
REVENUE (DEVASWOM) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695 001.
2. THE COMMISSIONER
MALABAR DEVASWOM BOARD, HOUSE FED COMPLEX
P.O.ERANHIPALAM, KOZHIKODE-673006.
3. THE ASSISTANT COMMISSIONER
MALABAR DEVASWOM BOARD, KASARAGOD DIVISION
NEELESWARAM, KASARAGOD - 671 101.

*Addl.R4. SRI.P.MURALEEDHARAN
EXECUTIVE OFFICER,
MAMANIKUNNU SREE MAHADEVI TEMPLE
MAMANAM, P.O.IRIKKUR, KANNUR -670 593.

*ADDL. R4 IS IMPEADED AS PER ORDER DATED 19.11.2013 IN IA
15440/2013.

**Addl.R5. THE AUDIT OFFICER(H.R.E.)
MALABAR DEVASWAM BOARD, THIRUVANGAD,
THALASSERY,
KANNUR - 670 103.

**Addl.R6. THE AKHILA BHARATHA SREEMAD DEVI BHAGAVATHA
NAVAHA SATHRA SAMITHI
REP. BY ITS GENERAL CONVENOR
6TH AKHILA BHARATHA SREEMAD DEVI BHAGAVATHA
NAVAHA SATRHRAM
MAMANIKKUNNU SREE MAHADEVI TEMPLE, MAMANAM,
P.O.IRIKKUR, KANNUR - 670 593.

**ADDL.R5 AND R6 ARE IMPEADED AS PER ORDER DATED 09.12.2014
IN IA 8008/14.

R4 BY ADV. SRI.M.RAMESH CHANDER (SR.)
R4 BY ADV. SRI.ANEESH JOSEPH
R2&3 BY ADV. SRI.V.KRISHNA MENON, SC,
MALABAR DEVASWOM BOARD
R2-R3 BY ADV. SRI.K.R.SUNIL, SC,
MALABAR DEVASWOM BOARD
ADDL.R6 BY ADV. SRI.N.MANOJ KUMAR
ADDL.R6 BY ADV. SMT.JAYASREE MANOJ
ADDL.R5 BY ADV.A.RANJITH, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:- COPY OF ORDER NO J7.8948/11/M.D.B(K.DIS)DTD 26/12/2012
ISSUED BY THE 2ND RESPONDENT

P2:- COPY OF THE COMPLAINT DTD 31/3/2012 SUBMITTED BY SRI K V
SURESHAN BEFORE THE 2ND RESPONDENT

P3:- COPY OF THE REPORT DTD 26/7/2013 SUBMITTED BY THE 3RD
RESPONDENT TO THE 2ND RESPONDENT

P4:- COPY OF THE REPORT DTD 25/9/2013 SUBMITTED BY THE 2ND
RESPONDENT BEFORE THE 1ST RESPONDENT

P5:- COPY OF THE STATEMENT OF INCOME AND EXPENDITURE SUBMITTED
BY THE EXECUTIVE OFFICER

P6:- COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHOOMI DAILY
DTD. 14/2/2013

P7:- COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHOOMI DAILY DTD
14/2/2013 AND MALAYALA MANORAMA DAILY DTD. 27/9/2013.

P8 : COPY OF THE SCHEME DATED 04.12.2006 FRAMED BY THE DEPUTY
COMMISSIONER, HR &CE (ADMN) DEPARTMENT, KOZHIKODE IN O.A.NO.32
OF 2006.

P9 : COPY OF MASS PETITION DATED 10.04.2013 SUBMITTED BY the
PETITIONER AND 20 OTHERS BEFORE THE R2.

P10 : COPY OF COMPLAINT DATED 05.02.2013 MADE BY SRI.SIVADASAM
KARIPPAL TO R2.

P11 : COPY OF STATEMENT DATED 22.06.2013 MADE BY
SRI.K.V.SURESHAN BEFORE R3.

P12 : COPY OF STATEMENT DATED 22.06.2013 MADE BY SRI.SIVADASAN
KARIPPAL BEFORE R3.

P13 : COPY OF RECEIPT DATED 25.02.2013 ISSUED BY the GENERAL
CONVENER, NAVAHASATHRA SAMITHI.

P14 : COPY OF RECEIPT DATED NIL ISSUED BY THE TREASURER FOR
MAHASREECHAKRA POOJA.

P15 : COPY OF RECEIPT DATED NIL ISSUED BY THE TREASURER FOR
MAHA GURUTHI POOJA.

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P16 : COPY OF CIRCULAR NO.HRH.5/8246/06 DATED 15.06.2007 ISSUED BY R2.

P17 : COPY OF RECOMMENDATION DATED 21.10.2013 SUBMITTED BY THE SECRETARY TO GOVERNMENT.

P18 : COPY OF LETTER DATED 21.11.2013 ISSUED BY THE GOVERNMENT TOR R2.

RESPONDENT(S) ' EXHIBITS

R4(a) : COPY OF APPLICATION DATED 23.09.2011.

R4(b) : COPY OF REPRESENTATION GIVEN TO THE BOARD THROUGH THE ASST.COMMISSIONER DATED 01.11.2011.

R4(c) : COPY OF PERMISSION GRANTED BY THE COMMISSIONER DATED 16.02.2012 FOR THE FORMATION OF THE COMMITTEE.

R4(d) : COPY OF NOTICE.

R4(e) : COPY OF ORDER OF THE COMMISSIONER OF THE BOARD DATED 26.12.2012.

R4(f) : COPY OF ESTIMATED AMOUNT.

R4(g) : COPY OF APPLICATION MADE TO THE COMMISSIONER OF THE BOARD DATED 30.11.2012.

R4(h) : COPY OF LETTER ISSUED BY THE ASST.COMMISSIONER DATED 13.06.2013.

R4(i) : COPY OF LETTER ISSUED BY R4 TO THE ASSISTANT COMMISSIONER ON 19.06.2013.

R4(j) : COPY OF REPORT CAME IN MALAYALA MANORAMA DATED 28.10.2013.

R4(k) : COPY OF REPORT CAME IN JANMABHUMI DATED 28.10.2013.

R4(l) : COPY OF REPRESENTATION MADE BY R4 TO THE HON'BLE CHIEF MINISTER AND OTHERS.

R4(m) : COPY OF REPRESENTATION TO THE HON'BLE CHIEF MINISTER AND OTHERS SEND BY SATHRA SAMITHI PRESIDENT AND GENERAL CONVENER DATED 11.12.2013.

R4(n) : COPY OF FINAL REPORT.

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R4(o) : COPY OF NOTICE ISSUED BY AUDIT OFFICER, HR & CE
AUDIT, THALASSERY DATED 01.03.2014.

R4(p) : COPY OF COMMUNICATION ISSUED BY AUDIT OFFICER DATED
03.03.2014.

R4(q) : COPY OF COMMUNICATION OF R4 DATED 09.03.2014.

R4(r) : COPY OF COMMUNICATION OF THE ASSISTANT COMMISSIONER
TO THE COMMISSIONER DATED 02.02.2013.

R4(s) : COPY OF ORDER ISSUED BY R2 DATED 23.05.2014.

R4(t) : COPY OF ORDER ISSUED BY R2 DATED 23.05.2014.

R4(u) : COPY OF ORDER DATED 14.10.2014 ISSUED BY R2.

R4(v) : COPY OF REPORT UNDER RIGHT TO INFORMATION ACT.

R6(a) : COPY OF ORDER DATED 26.12.2012 OF THE MDB.

R6(b) : COPY OF AUDIT REPORT OF THE LOCAL FUND DEPARTMENT,
HRE AUDIT, THALASSERY.

//TRUE COPY//

PA TO JUDGE.

jg

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

.....
WP(C) No.26863 of 2013
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Dated this the 10th day of June, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard.

2. Petitioner sought that he is a devotee of Mamanikunnu Sree Mahadevi Temple. He came to this Court alleging that there was an Akhila Bharatha Sreemadh Bhagawathi Navahasatram in the temple, sanction for which was issued by the Malabar Devaswom Board Commissioner and that there was large scale misappropriation and misconduct in terms of management of that particular programme. While matters were pending here, it is seen that the Local Fund Audit had conducted audit and has come out with an audit report which does not accuse any person for any misappropriation. The earlier enquiry reports and other materials which were relied on by the writ petitioner, therefore, go into oblivion; more particularly, when the Police have also filed a

closure report in relation to a proposed prosecution.

3. With the Local Fund Audit Report having come in the manner that we have noted above, nothing survives in this writ petition to be ordered, at the instance of the writ petitioner.

In the result, this writ petition is closed recording what is aforesaid and without prejudice to any proceedings that may come touching the matter in due course of time, in accordance with law, from any competent authority.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)