

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

MONDAY, THE 9TH DAY OF NOVEMBER 2015/18TH KARTHIKA, 1937

WP(C).NO. 28182 OF 2012 (W)

PETITIONER(S):

1. DEITY OF SRI.ALANCHERRY DEVI TEMPLE, REPRESENTED BY NEXT FRIEND AND DEVOTEE, K.R.RAMANUNNI, AGED 53 YEARS, S/O. RAMAN NAIR, SREE VILAS, CHEMMALASSERI, PULAMANTHOLE.P.O., MALAPPURAM-679323.
2. P. NARAYANAN, AGED 38 YEARS, S/O. KRISHNAN, POOZHICKUNNATHU HOSUE, PALOOR, PULAMANTHOLE.P.O., MALAPPURAM-679323.
3. T.P. SUNIL, AGED 35 YEARS, S/O. VELAYUDHAN, THOTTUMPALLATH HOUSE, PALOOR, PULAMANTHOLE.P.O., MALAPPURAM-679323.

BY ADVS.SRI.P.VIJAYAKUMAR

SRI.C.R.REGHUNATHAN
SRI.M.V.ASHIM
SRI.B.HARRYLAL

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.
2. DISTRICT COLLECTOR, CIVIL STATION, MALAPPURAM-676505.
3. REVENUE DIVISIONAL OFFICER PERINTHALMANNA-679322.
4. SECRETARY STATE LAND BOARD, THIRUVANANTHAPURAM-695001.
5. SECRETARY TALUK LAND BOARD, PERINTHALMANNA.P.O. MALAPPURAM-679322.
6. PULAMNTHOLE GRAMA PANCHAYATH, REPRESENTED BY SECRETARY, PULAMANTHOLE.P.O., MALAPPURAM-679323.
7. C.M. SUNIL, S/O. LATE C.M. SHANKARANARAYANAN NAMBOOTHIRIPAD

SALCOT, PALOOR PULAMANTHOLE.P.O., MALAPPURAM-679323.
(P.T.O.)

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8. ALANCHERRY SKETRA SMARAKSHANA SAMITHY,
REPRESENTED BY ITS PRESIDENT, PULAMNTHOLE.P.O.,
MALAPPURAM-679323.

R7 BY ADV. SRI.C.E.UNNIKRISHNAN

R6 BY ADV. SRI.K.MOHANAKANNAN

R2 BY ADV. GOVERNMENT PLEADER, SRI. V.K. RAFAEK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
09-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE COPY OF THE ORDER DATED 20-4-2005 ISSUED BY THE
GOVERNMENT.

EXT.P2 TRUE COPY OF THE REPRESENTATION DATED 7-11-2012 MADE BY
THE PETITIONERS TO THE GOVERNMENT

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

K. HARILAL, J.

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W.P. (C) No.28182 of 2012

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Dated this the 9th day of November, 2015

J U D G M E N T

The first petitioner is the Deity of Sri. Alancherry Devi Temple represented by next friend and a devotee by name K.R. Ramanunni. The 2nd and 3rd petitioners are devotees of the said temple. According to them, the said temple is an ancient temple, more than 1000 years old. The temple has its own property on the eastern side of the temple measuring 1.72 Acres known as 'Thirukandam Parambu' and popularly known as 'Alancherry Ambala Parambu' and the same is located in Resurvey No.118/1 of Pulamanthole Village. This property belonged to the temple and deity and it is the palace, where customary offerings and temple rites like 'Pootham', 'Kala', 'Thira', 'Chavittukali' and 'Talapoli' involving more than 10,000 people of different segments of Hindu Society are being held. Moreover, the temple has been a public temple,

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since time immemorial with different segments of Hindu Society taking part in the temple festival and worship as of right, custom and tradition. It is also stated that the Government school situating adjacent to the said land also has been using occasionally the temple land, as play ground for its students. The grievance of the petitioners is that the said land has been taken by the 1st respondent, by Ext.P1 order as excess land under the Kerala Land Reforms Act, 1963. According to them, the said land has been wrongly surrendered to the Government under the Kerala Land Reforms Act, 1963, by the father of the 7th respondent on the reason that the said property has been included in the partition deed of his family. Thus, the sum and substance of the pleadings in this Writ Petition is that if the property has been taken under Ext.P1, as excess land and the said property is dispersed in accordance with the Land Reforms Act

and the Rules made thereunder, the devotees of the said temple and the students of the School will be put to great hardship. Hence, the Writ Petition is filed with following prayers:

- i. Declare that 1.72 Acres of the property, traditionally being used as the festival ground of the deity of Alancherry Devi temple and dedicated for the said purpose shall remain vested with the deity and any proceedings including Exhibit P1 or order of the Taluk Land Board, Perinthalmanna or of the Government seeking to divest the deity and devotees of the rights over the temple property measuring 1.72 Acres in R.S. 118/1 of Pulamanthole Village would be illegal and not binding on the rights of deity and devotees of the deity of Sri Alancherry Devi Temple.*
- ii. Issue a Writ of Mandamus commanding the respondents 1 to 6 to desist from interfering with 1.72 Ares in R S 118/1 of Pulamanthole Village or committing any acts of waste, alteration or conversion of the said property or causing any alienation thereon which would in any way affect the nature and use of said property as a temple festival ground of the deity of Alancherry Dei temple.*

2. Heard the learned counsel for the petitioners

and learned counsel for the respondents, representing respondent Nos.6 and 7.

3. Going by Ext.P1, it is seen that the said order has been passed in exercise of the jurisdiction and power vested with the Government under the Kerala Land Reforms Act and the Rules made thereunder. Admittedly, the petitioners herein are not parties in the proceedings under which Ext.P1 Order has been passed. Even though, they are not parties to Ext.P1, I find that the grievance projected in this Writ Petition is a common grievance of the people in that locality and their apprehension deserves to be considered and addressed by the 2nd respondent.

4. In the above view, the petitioners are directed to file representation before the 2nd respondent within a period of two months from today and if any such a representation is filed before the 2nd respondent, the 2nd respondent shall take a decision

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on the application, after affording an opportunity of being heard to all the affected parties, at the earliest.

This Writ Petition is disposed of accordingly.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge