

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 24695 of 2014 (J)

PETITIONER(S):

**MEENAKSHI, AGED 40 YEARS,
W/O.NARAYANA KULAL,
RESIDING AT KIDDOOR HOSAGADDE HOUSE, KIDDOOR VILLAGE,
P.O. ICHILAMPADY, KUMBLA, KASARAGOD DISTRICT.**

**BY ADVS.SRI.N.M.MADHU,
SMT.C.S.RAJANI.**

RESPONDENT(S):

- 1. COMMISSIONER OF MALABAR DEVASWOM BOARD,
KOZHIKODE-673 001.**
- 2. THE DEPUTY COMMISSIONER,
MALABAR DEVASWOM BOARD, KOZHIKODE-673 001.**
- 3. SREE MAHADEVA TEMPLE,
KIDDOOR, REPRESENTED BY THE MANAGING TRUSTEE,
SREE MAHADEVA TEMPLE, KIDDOOR, ICHILAMPADY P.O.,
KIDDOOR VILLAGE, KASARAGOD TALUK,
KASARAGOD DISTRICT-671 321.**
- 4. MADHAVA, S/O.SANKAPPA MOOLYA,
KIDDOOR PANJARAKATTEE HOUSE,
NEAR KIDDOOR TEMPLE, P.O. ICHILAMPADY,
VIA. KUMBLA-671 321.**

**R1 & R2 BY ADV. SRI.K.R.SUNIL, SC.
R4 BY SRI.M.RAMESH CHANDER, SENIOR ADVOCATE.
ADV. SRI.ANEESH JOSEPH,
SMT.DENNIS VARGHESE.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: COPY OF THE ORDER DATED 10.09.2014 ISSUED BY THE FIRST RESPONDENT.
- P2: COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.
- P3: COPY OF THE WRITTEN STATEMENT 04.06.2014 FILED BY THE THIRD RESPONDENT.
- P4: COPY OF THE COMMISSION REPORT SUBMITTED BY THE ADVOCATE COMMISSIONER BEFORE THE SECOND RESPONDENT.

RESPONDENT'S EXHIBITS:-

- EXT.R4A COPY OF THE INFORMATION SOUGHT UNDER THE RIGHT TO INFORMATION ACT AND THE ANSWER GIVEN BY THE MEDICAL OFFICER.
- EXT.R4B COPY OF THE INFORMATION RECEIVED FROM KUMBLA GRAMA PANCHAYAT IN RELATION TO THE JOB OF THE PETITIONER.

//TRUE COPY//

PA. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 24695 of 2014

Dated this the 1st day of July, 2015

JUDGMENT

The petitioner, who claims a hereditary right in the matter of employment in a temple, is aggrieved by Ext.P1 order dated 10.09.2014 whereby the 1st respondent approved the appointment of the 4th respondent to the post of Sweeper in the temple. It is the case of the petitioner that, even before passing of Ext.P1 order, the petitioner had, by Ext.P2 representation preferred before the 2nd respondent, claimed a lien to the post in question. The limited prayer of the petitioner at this stage is for a direction to the 2nd respondent to consider and pass orders on Ext.P2 representation preferred by the petitioner before him.

2. I have heard the learned counsel for the petitioner and also the learned senior counsel for the 4th respondent.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 2nd respondent to consider and pass orders on Ext.P2 representation preferred by the petitioner, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner, 4th respondent and the

W.P.(C). No. 24695 of 2014

trustees of the temple. The petitioner shall produce a copy of the writ petition together with a copy of this judgment before the 2nd respondent for further action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das