

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.N. RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 27970 of 2013 (U)

PETITIONER:

1. T.V. VASUDEVAN
S/O.GOVINDAN, THAIVALAPPIL, KANTHOOL P O
KANNUR DISTRICT.
2. M.KANNAN
S/O.KUNHAPPU, 'ASIWARYA', KANTHOOL P O
KANNUR DISTRICT.
3. T.P.RAJAN
S/O.CHATHUKUTTY NAMBIAR,
KANTHOOL P O, KANNUR DISTRICT.

BY ADVS.SRI.MOHAN C.MENON
SRI.T.M.KOCHUNNI

RESPONDENT(S)/RESPONDENTS:

1. THE STATE OF KERALA
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM-695001
2. THE MALABAR DEVASWOM BOARD
KOZHIKODE, REPRESENTED BY ITS SECRETARY/COMMISSIONER-673001
3. THE COMMISSIONER
MALABAR DEVASOWOM BOARD, KOZHIKODE-673001

ADD.R4 IMPEADED:

ADDL.R4: VALSAN C., AGED 48 YEARS,
S/O KUTTIAPPA, RESIDING AT
CHERUVADATHIL HOUSE, BAKKALAM,
P.O.KANUL, KANNUR DISTRICT.

(IMPEADED AS PER ORDER DT.19.1.2015 ON I.A.NO.13395/14)

R1 BY SR.GOVERNMENT PLEADER SRI A.RENJITH
R2-3 BY SRI.V.KRISHNA MENON, SC, MALABAR DEVASWOM BOARD ADV.
SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD
ADDL.R4 BY ADV. SRI.P.U.SHAILAJAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 27970 of 2013 (U)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE ORDER DTD 11.2.11 OF THE ASSISTANT COMMISSIONER, MALABAR DEVASWOM BOARD, KASARAGOD AT NEELESWARAM AS AUTHORISED BY THE 3RD RESPONDENT
- P2:- TRUE COPY OF THE INTERIM ORDER DTD 9/10/2013 IN WPC NO 24639/13 ISSUED BY THE DIVISION BENCH OF THIS HON'BLE COURT REGARDING MAMMIYOOR DEVASWOM
- P3:- TRUE COPY OF THE ORDINANCE 43/2013 PUBLISHED IN KERALA GAZETTE DTD 19/7/2013
- P4:- TRUE COPY OF THE MINUTES OF THE EXECUTIVE COMMITTEE MEETING OF THE TRUSTEE BOARD FOR ULSAVAM-2014

RESPONDENT(S)' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

P.N.RAVINDRAN & ANIL K.NARENDRAN, JJ.

W.P.(C)No.27970 OF 2013

DATED THIS THE 19th DAY OF JANUARY, 2015

JUDGMENT

P.N.RAVINDRAN, J.

The petitioners are non hereditary trustees of Sree Kadambari Chuzhali Bhagavathi Devaswom, Thaliparamba, Kannur district. In this writ petition, they challenge the amendment to section 39 of the Hindu Religious and Charitable Endowments Act, 1951 by Ordinance No.43 of 2013. They also seek a declaration that they are entitled to continue as non hereditary trustees of Sree Kadambari Chuzhali Bhagavathi Devaswom, Thaliparamba, Kannur district for the full term of five years.

2. The issue raised by the petitioners is squarely covered against them by the decision of a Division Bench of this Court in **Hari Hara Krishnan v. State of Kerala** (2014 (4)KLT 576). By the said judgment, this Court repelled the challenge to section 39 of the Hindu Religious and Charitable Endowments Act, 1951 as amended. Consequently, the writ petition fails and it is dismissed.

SD/-
P.N.RAVINDRAN,
JUDGE

SD/-
ANIL K.NARENDRAN,
JUDGE