

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE SUNIL THOMAS

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 28983 of 2013 (W)

PETITIONER:

JATAVETHAN NAMBOOTHIRI
PANDAL VYDIKAN, PANDAL MANA, RAPPAL
PUTHUKKAD P.O., THRISSUR DISTRICT.

BY ADVS.SRI.M.P.ASHOK KUMAR
SRI.S.NANDAGOPAL

RESPONDENT:

COCHIN DEVASWOM BOARD
DEVASWOM BOARD BUILDING
REPRESENTED BY ITS SECRETARY, THRISSUR-680 001.

R1 BY ADV. SRI.G.RAJAGOPAL, SC, COCHIN DEVASWOM BOARD
R BY SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXHIBIT P1: PHOTO COPY OF THE RELEVANT PORTION OF THE VACHOZHIVU ADHARAM.

EXHIBIT P2: PHOTO COPY OF THE REPORT DATED 14/2/2011 OF THE DEVASWOM OFFICE COMMISSIONER

EXHIBIT P3: TRUE PHOTO COPY OF THE JUDGMENT IN WPC NO.20023/2011.

EXHIBIT P4: TRUE PHOTO COPY OF THE ORDER DATED 15/6/2013.

EXHIBIT P5: TRUE PHOTO COPY OF THE ORDER DATED 19/10/2013 PASSED BY THE COCHIN DEVASWOM BOARD.

EXHIBIT P6: PHOTOCOPY OF THE RECEIPT ISSUED BY THE COCHIN DEVASWOM BOARD SHOWING THE AMOUNT COLLECTED BY the BOARD FOR 1 NELPARA.

RESPONDENT(S) ' EXHIBITS: NIL

True Copy /

P.A to Judge

**THOTTATHIL B. RADHAKRISHNAN &
SUNIL THOMAS, JJ.**

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W.P(C).No.28983 of 2013

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Dated this the 22nd day of July, 2015

JUDGMENT

Thottathil B. Radhakrishnan, J.

The petitioner belongs to the Mana which had parted with its temple to the erstwhile Sovereign. That establishment ultimately came to be under the control of Cochin Devaswom Board. As per the agreement, at the time of such handing over, the Mana was to get 365 paras of paddy per year as support compensation. With the passage of time, the CDB appears to have taken a view that instead of giving paddy as support compensation, value can be given. However, it initially fixed Rs.10/- per para as the value. Later, it has enhanced it to Rs.15/- per para. Petitioner's complaint is about the rate at which the amounts are being paid.

2. We have seen Ext.P5 and heard the learned counsel for the petitioner and the learned standing counsel for the CDB.

3. When compensation is fixed for payment in terms of such transactions; with the onward march of time, there has to be progressive revision depending upon relevant yardsticks. In so far as articles like paddy are concerned, Bureau of Economics and Statistics will be a safe authority whose data can be relied upon to come to a reasonable conclusion, even if that rate is not strictly adhered to, having regard to the facts and circumstances. In some given cases, the compensation rates may go up depending upon the nature of institution. In certain other situations, there could be a marginal tapering down of due compensation even while applying the market rate as reflected by the data of Bureau of Economics and Statistics.

4. Under the aforesaid circumstances, this writ petition is ordered directing the Secretary, CDB to reconsider the matter and take a decision de novo in the light of what is stated above and bearing in mind that a realistic approach has to be maintained in such matters when dealing with persons who have parted with control over religious institutions including temple. A decision in this regard shall be taken and communicated to the petitioner without fail within a period of three months from the date of receipt of a copy of this judgment. Petitioner will be at liberty to place

further materials before the Secretary of the CDB, in the light of what is stated above at the earliest. If any such material is placed or any further representation is made, that shall also be looked into in arriving at a decision as ordered above.

This writ petition is ordered accordingly.

Sd/-

THOTTATHIL B. RADHAKRISHNAN
Judge

Sd/-

SUNIL THOMAS
Judge

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