

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C) .No. 27257 of 2015 (F)

PETITIONER(S) :

THE SABARIMALA AYYAPPA SEVA SAMAJAM,
CENTRAL OFFICE, KESAVA SMRYTHI, KALLARA KADAVU
PATHANAMTHITTA
REPRESENTED BY ITS NATIONAL VICE CHAIRMAN
KUMMANAM RAJASEKHARAN, RESIDING AT MADHAVA NIVAS
PERANDOOR ROAD, ELAMAKKARA, KOCHI - 682026.

BY ADVS.SRI.R.KRISHNA RAJ
SRI.BIJITH S.KHAN
SMT.E.S.SONI

RESPONDENT(S) :

1. TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY
DEVASWOM BOARD BUILDINGS, NANTHANCODE
THIRUVANANTHAPURAM - 695 003.
2. HIGH POWER COMMITTEE,
FOR IMPLEMENTATION OF SABARIMALA MASTER PLAN,
DEVASWOM BOARD HEAD QUARTERS, NANTHANCODE
TRIVANDRUM - 695 003, REPRESENTED BY ITS
CHAIRMAN AND MEMBER SECRETARY.

R1 BY ADV. SRI.KRISHNA MENON, SC,
TRAVANCORE DEVASWOM BOARD
BY ADV.A.RENJITH, SR. GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 28-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

WP(C) .No. 27257 of 2015 (F)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1- COPY OF THE AGREEMENT DATED 22/02/2013.

EXHIBIT-P2- COPY OF THE SHOW CAUSE NOTICE DATED 31/12/2014.

EXHIBIT-P3- COPY OF THE MEMO DATED 01/12/2014.

EXHIBIT-P4- COPY OF THE RESOLUTION OF THE PETITIONER DATED
13/02/2015.

EXHIBIT-P5- COPY OF THE LETTER OF THE PETITIONER DATED
06/02/2015.

EXHIBIT-P6- COPY OF THE WRIT PETITION 12150/14 WITHOUT
EXHIBITS, DATED 06/05/2014.

EXHIBIT-P7- COPY OF THE JUDGMENT IN W.P (C) NO. 12150/2014
DATED 01/04/2015.

EXHIBIT-P8- COPY OF THE RESOLUTION OF THE PETITIONER DATED
13/08/2015.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

.....
WP(C) No.27257 of 2015
.....

Dated this the 28th day of October, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

Sabarimala Ayyappa Seva Samajam instituted WP(C) No.12150 of 2014 in relation to a proposal to construct a particular building. That writ petition ended by the issuance of Ext.P7 judgment on 01.04.2015. What is discernible from that judgment is that the High Power Committee had required the Samajam, who was represented before it, to go for further discussions and conclude a memorandum of understanding. Since this Court was satisfied that the said exercise was not carried out, through Ext.P7 judgment, TDB was permitted to proceed with and complete the construction of the Annadana Mandapam pursuant to the decision taken at the meeting of the High Power Committee on 17.01.2015. Now, this writ petition is filed by the self same Samajam primarily criticizing Sri.S.Sudarshan Reddy, who had represented the Samajam in the earlier writ petition. The plea is that Sri.Sudarsan Reddy was not

authorised to file that writ petition. The internal problems of the Samajam or the action that it had taken or would be taken against Sri.Sudarsan Reddy are not matters that could be utilised to precipitate a matter which has ended by handing over and leaving the issue of construction to the TDB. Larger public interest is not to provide facilities for organisations to put up constructions but to ensure that people who come to Sabarimala as pilgrims have to get a possibly equal treatment in relation to different provisions, including accommodation, food support, water support, medical support and other facilities, including proper transit. Under such circumstances, we see that the overwhelming public interest stands against the decision taken in WP(C) No.12150 of 2014 through Ext.P7 judgment being re-opened by this Court. Before parting, we may also record that in the midst of these matters, another writ petition, WP(C) No.31352 of 2015, was filed by Sri.P.K.Asokan seeking a direction to the TDB to get the work done through the Sabarimala Ayyappa Seva Samajam. Such a plea could not have been countenanced on the face of Ext.P7 judgment. We may also

note that his plea in the case was that he was also deeply involved in the affairs of the Sabarimala Ayyappa Seva Samajam. That writ petition stands dismissed by judgment dated 20.10.2015. In view of what is aforesaid, we do not find any ground in this writ petition and it is, accordingly, dismissed, at the threshold.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(ANU SIVARAMAN, JUDGE)