

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 28040 of 2015 (D)

PETITIONER:

N.C.ANIL KUMAR AGED 53 YEARS
S/O.LATE N.VIJAYAN, PALOLI HOUSE, NEAR WATER TANK
CHOVVA, KANNUR DISTRICT-670 006.

BY ADVS.SRI.K.LAKSHMINARAYANAN
SMT.SATHYA SHREEPRIYA

RESPONDENTS:

- 1.STATE OF KERALA
REVENUE (DEVASWOM) DEPARTMENT, THIRUVANANTHAPURAM
REPRESENTED BY ITS SECRETARY.
2. MALABAR DEVASWOM BOARD,
ERANJIPALAM, KOZHIKODE, PIN-673 006
REPRESENTED BY ITS SECRETARY.
- 3.THE COMMISSIONER
MALABAR DEVASWOM BOARD, ERANJIPALAM, KOZHIKODE
PIN-673 006.
- 4.CHIRAKKAL KOVILAKAM DEVASWOM
CHIRAKKAL PO, KANNUR DISTRICT-670 011.
REPRESENTED BY ITS EXECUTIVE OFFICER.
- 5.CHOVVA MAHA SIVAKSHETRA AYYAPPA BHAKTHA SANGAM
CHOVVA, KANNUR DISTRICT-670 011
REPRESENTED BY ITS PRESIDENT.

*ADDL.R6:CHOVVA MAHA SIVA KSHETHRA PUNARUDHARANA COMMITTEE,
P.O.CHOVVA , KANNUR DISTRICT,
REPRESENTED BY ITS SECRETARY.

*ADDL.R6 IMPEADED AS PER ORDER DATED 4.11.2015 IN I.A.NO.16061/15.

R2-R3 BY ADV. SRI.K.R.SUNIL, SC, MALABAR DEVASWOM BOARD
ADDL R6 BY ADV. SRI.P.U.SHAILAJAN
R4 BY ADV. SRI.MAHESH V RAMAKRISHNAN
R1 BY GOVERNMENT PLEADER SRI.A.RANJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- P1. TRUE COPY OF THE NOTICE ISSUED IN RESPECT OF THE PRATISTA KARMAM.
- P2. TRUE COPY OF THGE PROCEEDINGS NO.H-5-3060/2012 /MDB DATED 15-09/2012 ON THE FILE OF THE 3RD RESPONDENT.
- P3. TRUE COPY OF THE ROUGH SKETCH OF THE TEMPLE PREMISES.
- P4. TRUE COPY OF THE PROCEEDINGS NO.H-5-3060/2012/MDB DATED 15-09-2010 ON THE FILE OF THE 3RD RESPONDENT.
- P5. TRUE COPY OF THE OPINION GIVEN BY SRI KANIPPAYUR NAMBOODRIPAD DATED 24-03-2015.
- P6. TRUE COPY OF THE REPRESENTATION DATED 03-09-2015 SUBMITTED BY THE PETITIONER& OTHERS BEFORE THE 3RD RESPONDENT.
- P7. TRUE COPY OF THE PHOTOGRAPHS OF THE DHARMA SASTHA/ AYYAPPA TEMPLE AND ITS PREMIESIN CHOVVA MAHA SIVA TEMPLE.

RESPONDENTS' EXHIBITS

NIL

-/TRUE COPY/-

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

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W.P.(C).No.28040 of 2015

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Dated this the 4th day of November, 2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

1. Heard the learned counsel for the petitioner, who claims to be interested in the affairs of the temple involved in this matter. Heard the learned standing counsel for the Travancore Devaswom Board and the learned counsel appearing for the Executive Officer of the temple in question.
2. The writ petitioner has impleaded Chovva Maha Sivakshethra Ayyappa Bhakta Sangam as the fifth respondent which, though served notice, does not appear. That Sangam had filed W.P. (C).No.15543 of 2013 seeking a direction that the idol of the temple should not be shifted. The Chovva Maha Sivakshethra Punarudharana Committee got impleaded as an additional respondent in that writ petition and the Executive Officer and the Malabar Devaswom Board showed materials before this Court in that case to the effect that necessary steps were taken

and that the Malabar Devaswom Board had granted sanction for the work as well. W.P.(C).No.15543 of 2013 was therefore dismissed as infructuous.

3.While the learned counsel for the petitioner makes reference to yet another suggestion made in relation to the ashtamangalaprasnam, the Executive Officer has with him the views of the Tanthri of the temple.

4.Under the aforenoted circumstances, we record the submission on behalf of the Malabar Devaswom Board that it had granted permission for the activity. We are inclined also to think that this writ petition is nothing but an extended arm of the Sangam which is impleaded as the 5th respondent. This writ petition is devoid of any merit.

In the result, this writ petition is dismissed.

sd/-

Thottathil B.Radhakrishnan, Judge

sd/-

Anu Sivaraman, Judge