

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C) .No. 28813 of 2014 (B)

PETITIONER(S) :

SREE SEETHADEVI LAVA-KUSHA KSHETHRA SAMRAKSHANA SAMITHI
PULPALLY P.O., WAYANAD, REP.BY PRESIDENT SIVAN.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENT(S) :

1. PULPALLY DEVASWOM
PULPALLY P.O., WAYANAD-673 579.
2. RAJASEKHARAN NAIR
S/O. MADHAVAN NAMBIAR, TRUSTEE,
PULPALLY DEVASWOM
PULPALLY P.O., WAYANAD DISTRICT-673 579.
3. MALABAR DEVASWOM BOARD
REP.BY ITS SECRETARY, KOZHIKODE-673 620.
4. COMMISSIONER
MALABAR DEVASWOM BOARD,
HOUSING BOARD BUILDING
ERANHIPALAM, KOZHIKODE-673 620.
5. DEPUTY COMMISSIONER
MALABAR DEVASWOM BOARD,
KOZHIKODE CIVIL STATION
KOZHIKODE-673 620.

R3-R5 BY ADV. SRI.KRISHNAKUMAR.S, SC,
MALABAR DEVASWOM BOARD
R1 & R2 BY ADV. SMT.PRABHA R.MENON
R3 -R 5 BY ADV. SRI.K.R.SUNIL, SC,
MALABAR DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 : COPY OF ACKNOWLEDGMENT FOR USER NAME ISSUED BY THE
DEPARTMENT OF REGISTRATION, GOVERNMENT OF KERALA BY THE
REGISTRAR OF SOCIETY.

P2 : COPY OF THE PROCEEDINGS FOR SETTLEMENT OF THE SCHEME OF
ADMINISTRATION OF THE TEMPLE.

P3 : COPY OF THE MODIFIED SCHEME IN OA 12/76 OF THE DEPUTY
COMMISSIONER.

P4 : COPY OF THE MODIFIED SCHEME DTD.8.3.82.

P5 : COPY OF THE PROCEEDINGS OF THE DEPUTY COMMISSIONER
DTD.10.3.2006.

P6 : COPY OF THE REPORT DTD.16.10.2014 ISSUED BY THE 5TH
RESPONDENT.

P7 : COPY OF THE INFORMATION ISSUED BY THE DEPUTY COMMISSIONER
DTD.17.9.2014.

P8 : COPY OF THE REPRESENTATION SENT BY THE PETITIONER TO THE
DEPUTY COMMISSIONER.

RESPONDENT(S) ' EXHIBITS

R2 (A) : COPY OF EXT.P4 IN WP(C)28813/14.

R2 (B) : COPY OF LIST OF CASES PENDING ON BEHALF OF DEVASWOM.

R2 (C) : COPY OF LETTER DATED 26.11.2014 BY THE DEPUTY
COMMISSIONER.

R2 (D) : COPY OF REPORT OF THE AUDIT DIVISION DATED
31.12.2014.

R2 (E) : COPY OF PROGRAMME SHEET DATED 28.11.2013 OF THE
TEMPLE UPADESAKA COMMITTEE.

R2 (F) : COPY OF PHOTOGRAPH.

R2 (G) : COPY OF LIST OF ACHIEVEMENTS OF DEVASWOM.

R2 (H) : COPY OF STATEMENT OF REPONDENT.

//TRUE COPY//

PA TO JUDGE.

THOTTATHIL B.RADHAKRISHNAN &
SUNIL THOMAS, JJ.

.....
WP(C) No.28813 of 2014
.....

Dated this the 10th day of June, 2015.

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard.

2. Petitioner seeks to quash Ext.P5 whereby the second respondent has been appointed as trustee manager for the temple in question.

The fact of the matter remains that there is no Executive Officer and the question of appointment of Executive Officer always depends upon different aspects which are to be considered by the competent authority in the Malabar Devaswom Board. As of now, they have taken a decision to appoint the second respondent as the Managing Trustee of the temple. If there is any question of mismanagement by the said person, it is for the Devaswom Board officials to look into that, in accordance with law. It is disclosed

through the report that such situation did not exist for the Devaswom Board to take any action. Under such circumstances, this writ petition is ordered directing that the question whether the second respondent is to be removed or not is entirely within the domain of the Devaswom Board officials to be decided, in accordance with law. This writ petition is ordered accordingly.

(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

(SUNIL THOMAS, JUDGE)

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