

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 29369 of 2014 (U)

PETITIONER:

**PREMASEKHARAN, S/O.BHASKARAN NAIR,
45 YEARS, VAZHAPPULLY HOUSE, ARIYOOR P.O.,
MANNARKKAD, PALAKKAD DISTRICT.**

**BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA**

RESPONDENT(S):

- 1. MALABAR DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
HOUSEFED COMPLEX, ERANHIPALAM,
KOZHIKODE - 673 006.**
- 2. THE COMMISSIONER,
MALABAR DEVASWOM BOARD,
HOUSEFED COMPLEX, ERANHIPALAM,
KOZHIKODE - 673 006.**
- 3. THE AREA COMMITTEE,
MALABAR DEVASWOM BOARD,
PALAKKAD DIVISION,
REPRESENTED BY ITS CHAIRMAN,
CIVIL STATION, PALAKKAD - 678 001.**
- 4. THE ASST. COMMISSIONER,
MALABAR DEVASWOM BOARD,
PALAKKAD DIVISION, PALAKKAD - 678 590.**
- 5. SUBHASH K., KAVUNGAL HOUSE,
ARIYOOR P.O., MANNARKKAD - 678 590.**
- 6. SUDARSANAKUMAR, CHAITHRAM,
ARIYOOR P.O., MANNARKKAD,
PALAKKAD DISTRICT - 678 590.**
- 7. P.SIVADASAN, PARIYARATH HOUSE,
ARIYOOR P.O., MANNARKKAD,
PALAKKAD DISTRICT - 678 590.**

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8. DINUPKUMAR, POTTOOR HOUSE,
ARIYOOR P.O., MANNARKKAD,
PALAKKAD DISTRICT - 678 590.

9. SUKUMARAN UNNI K.N.,
DEEPA NIVAS, ARIYOOR P.O., MANNARKKAD,
PALAKKAD DISTRICT - 678 590.

R1 TO R4 BY SRI.PARTHASARATHY.B, SC
R5 TO R8 BY ADVS. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
R9 BY ADV. SRI.M.PREMKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE APPLICATION DATED 25.01.2014 SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
- EXHIBIT P2: TRUE COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT DATED 15.07.2014.
- EXHIBIT P3: TRUE COPY OF THE REVISION PETITION 20/2014 WITH NOTICE.
- EXHIBIT P4: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P5: TRUE COPY OF THE ORDER DATED 25.10.2014 PASSED BY THE 2ND RESPONDENT.
- EXHIBIT P6: TRUE COPY OF THE PROCEEDINGS NO.A3/5669/2014(K.DIS) DATED 7.1.2015 OF THE 3RD RESPONDENT.
- EXHIBIT P7: TRUE COPY OF THE MINUTES OF THE MEETING OF THE TRUSTEE BOARD DATED 30.1.2015.

RESPONDENT(S)' EXHIBITS: - NIL

TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 29369 of 2014

Dated this the 25th day of February, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) To issue a Writ of certiorari or any other appropriate Writ order or direction calling for the records leading to Ext.P5 and quash the same.*
- (ii) To issue a Writ of mandamus or any other appropriate Writ or order or direction allowing the Petitioner to continue as Non Hereditary Trustee of Aryanambi Devaswom in Mannarkkad by virtue of Ext.P2;*
- (iii) To grant such other and further reliefs as are just, proper and necessary in the facts and circumstances of the case.”*

2. The writ petition was admitted on 13.11.2014 also granting an interim order against the impugned proceedings. It was being extended from time to time. The learned counsel appearing for the respondents 5 to 8 submits that the petitioner has simply rushed to this Court without exhausting the alternate remedy. The petitioner has to file a revision petition under Section 99 of the Hindu Religious and Cultural Endowment Act. It is seen that the concerned respondents have filed a counter

affidavit and the respondent Devaswom has also put forth their version. The petitioner has filed reply affidavit as well.

3. After hearing both the sides, this Court finds that, adjudication is necessary with reference to the relevant aspects involved and also the question of law, which shall be done by the statutory authority concerned, who is none other than the Government represented by the Secretary to the Department of Revenue and Devaswom. So as to facilitate such an exercise, the Secretary to the Department of Revenue and Devaswom, is *suo moto* impleaded in the party array as the additional 10th respondent. The learned Government Pleader enters appearance on behalf of the said respondent as well.

4. The learned counsel for the petitioner undertakes to serve a copy of the writ petition, counter affidavit, statement and the reply affidavit to the learned Government Pleader, so as to facilitate further action.

5. In view of the above circumstances, the petitioner is relegated to approach the additional 10th respondent by filing a revision petition against the impugned proceedings. If any such revision petition is filed, within two weeks from the date of receipt

of a copy of the judgment, the same shall be considered and appropriate orders shall be passed by the additional 10th respondent, after affording opportunity of hearing to all concerned including the petitioner and the respondents 5 to 9, as expeditiously as possible, at any rate, within 'three months' from the date of receipt of a copy of the revision petition.

The interim order already passed by this Court will continue for a period of one month. It will be for the petitioner to move the Government for further interim relief, if any.

The writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.