

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C) .No. 31842 of 2014 (E)

PETITIONER(S) /PETITIONER:

KSHETRA UPADESAKA SAMITHY,
CHITTOOR SREE KRISHNA SWAMY TEMPLE,
SOUTH CHITTOOR, ERNAKULAM DIST, PIN-682027
REP BY ITS JOINT SECRETARY, RANJITH T R

BY ADVS.SRI.R.LAKSHMI NARAYAN
SMT.R.RANJINI

RESPONDENT(S) /RESPONDENTS:

1. COCHIN DEVASWOM BOARD,
OFFICE OF THE DEVASWOM BOARD, THRISSUR-680001,
REP BY ITS SECRETARY.

2. THE SPECIAL DEVASWOM COMMISSIONER,
COCHIN DEVASWOM BOARD,
OFFICE OF THE COCHIN DEVASWOM BOARD, THRISSUR-680001

3. THE ASSISTANT DEVASWOM COMMISSIONER,
COCHIN DEVASWOM BOARD,
OFFICE OF ASST.DEVASWOM COMMISSIONER
TRIPUNITHURA-682301.

4. THE DEVASOM OFFICER,
THEKKAN CHITTOOR SREEKRISHNA SWAMY TEMPLE,
SOUTH CHITTOOR , ERNAKULAM-682027.

ADDL. 5. C.VENUGOPAL, S/O.BHASKARA MENON,
AGED 59 YEARS, CHERUVELIL MADAM,
SOUTH CHITTUR, ERNAKULAM DISTRICT.

ADDITIONAL R5 IS IMPEADED AS PER ORDER DATED 1.10.2015
IN I.A.NO.13313/15.

R1-R4 BY ADV. SRI.KRISHNA MENON, SC, COCHIN DEVASWOM BOARD
ADDL.R5 BY ADV. SRI.K.MOHANAKANNAN
ADV. SRI.M.SASINDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
01-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) .No. 31842 of 2014 (E)

APPENDIX

PETITIONER(S) ' EXHIBITS

P1:-THE TRUE COPY OF THE MINUTES HELD ON 14/3/2012
P2:-THE PHOTOCOPY OF THE REPRESENTATION DTD 7/8/2014
P3:-THE PHOTOCOPY OF THE PROCEEDINGS BEARING ORDER NO A5 11837/14 DTD 29/10/2014
P4:-THE TRUE COPY OF THE ORDER DTD 15/10/2014 IN WPC NO 25962/14
P5:-THE TRUE COPY OF THE AGREEMENT DTD 22/8/2012
P6:- COPY OF LETTER DATED 12.8.14.
P7:-COPY OF LIST DATED 25.8.14 OF BOOKS AND OTHER DOCUMENTS SIGNED BY THE FINANCE AND ACCOUNTS OFFICER.
P8:-COPY OF LETTER DATED 6.1.15.

RESPONDENT(S) ' EXHIBITS

R5(a): COPY OF REPLY ISSUED TO THE PETITIONER BY THE DEVASWOM OFFICER CHITTOOR SREE KRISHNA SWAMI TEMPLE.
R5(b): COPY OF ORDER DATED 12.3.14 ISSUED BY THIS HON'BLE COURT.
R5(c): COPY OF COMPLAINT DATED 13.10.14 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE OMBUDSMAN.
R5(d): COPY OF COMPLAINT DATED 29.1.15 SUBMITTED BY THIS DEPONENT BEFORE THE DEVASWOM BOARD SPECIAL COMMISSIONER.
R5(e): COPY OF COMPLAINT DATED 7.2.15.
R5(f): COPY OF REPLY DATED 23.2.15 ISSUED BY THE DEVASWOM OFFICER.'
R5(g): COPY OF RECEIPT NO.7328 ISSUED BY THE PETITIONER SAMITHI.
R5(h): COPY OF RECEIPT NO.7381 ISSUED BY THE PETITIONER SAMITHI.
R5(i) COPY OF NOTICE OF INAUGURATION PUBLISHED BY THE SAMITHI.
P6: COPY OF JUDGMENT DATED 5.1.15 IN W.P.NO.35538 OF 2014.
P7: COPY OF SAID SHOW CAUSE NOTICE DATED 31.3.2015.
P8: COPY OF REPLY DATED 1.4.15.
P9: COPY OF DRAFT OF THE REPLY PREPARED BY THE DEVASWOM OFFICER IN RESPONSE TO EXT.P7 ISSUED BY HIM.
P10: COPY OF LETTER DATED 10.4.15.

/TRUE COPY/

PS TO JUDGE

**THOTTATHIL B.RADHAKRISHNAN
&
ANU SIVARAMAN, JJ**

W.P(C).No. 31842 of 2014

Dated this the 1st October,2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

This Writ Petition is filed challenging the decision of the Cochin Devaswom Board to constitute an adhoc Temple Advisory Committee in lieu of the existing scenario.

2. Heard learned counsel appearing for the parties.

3. In so far as constitution of Temple Advisory Committees are concerned, today, through the judgment issued in W.P(C).No.25962 of 2014, Bye-laws of the Cochin Devaswom Board for Temple Advisory Committees have been approved. This means that the Cochin Devaswom Board has to take immediate action to have election conducted to constitute a Temple Advisory Committee for the Chittoor Sreekrishna Swamy Temple as well. It is so directed. This direction shall not affect any other

litigations pending before this Court relating to the construction of Ootupura and attendant matters for which there is an Advocate Commissioner appointed.

4. Another issue, which is incidentally raked up is that, following the order dated 19.8.2015, the Devaswom officials did not do the needful for appropriate conduct of the Ashtamirohini Festival. We are told that the other festivals have to be appropriately attended to make funds available. We are of the view that if there is any festival, which is to be conducted including Navarathri, Ekadasi or any other such matters in connection with the temple, it will be open to the Devaswom officials to install a separate 'Hundi' earmarking it with appropriate labelling that the funds will be exclusively used for any particular festival. Once that is done, any person willing to offer funds for that purpose can use that 'Hundi' to make the offering. The Devaswom Officer of the temple will have such 'Hundies' counted under the guidance of his immediate superior officials and also with appropriate witnesses from the locality and such funds can be utilised

for the purpose of such festivals. However, the direction in the order dated 19.8.2015 that the members of the petitioner herein shall not involve in any activity, shall continue to operate.

5. As per order dated 19.8.2015, the accounts of the petitioner, which were then retained by the Finance Officer, Cochin Devaswom Board were directed to be transferred to the Local Fund Audit. This was to facilitate appropriate auditing by the Local Fund Audit regarding the accounts of the petitioner. As per order dated 19.12.2014, certain directions were issued including the liability to refund certain amounts following such audit. Therefore, it is directed that those directions will continue and will be treated as part of the directions issued in DBP.No.165 of 2011, which was also dealt with along with this Writ Petition when those orders were issued.

6. Registry will incorporate a copy of order dated 19.12.2014 and a copy of order dated 19.2.2015 in DBP.No.165 of 2011. Such issues are left open for the time being to be dealt with in DBP.No.165 of 2011.

The Writ Petition is closed in the light of what is stated above.

**THOTTATHIL B.RADHAKRISHNAN
JUDGE**

**ANU SIVARAMAN
JUDGE**

vgs1/10/15