

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 25TH DAY OF NOVEMBER 2015/4TH AGRAHAYANA, 1937

WP(C).No. 32975 of 2015 (V)

PETITIONER(S):

1. V. MURALEEDHARAN NAIR,
S/O.K.VELAYUDHAN PILLAI, BINDU BHAVAN, KANJOORKKONAM,
KATTAKKADA, THIRUVANANTHAPURAM.
2. ANIL KUMAR V.S.,
S/O.VISWANATHAN NAIR, LEKHA NIVAS, PUTHUKULANGARA,
VELLANADU, THIRUVANANTHAPURAM.
3. C.RAJAGOPALACHARI,
A.R.BHAVAN, KONNIYOOR, POOVACHL P.O.
THIRUVANANTHAPURAM.
4. C.RAJEDNRAN NAIR,
SWATHI BHVAN, KULATHUMMAL, KATTAKKADA,
THIRUVANANTHAPURAM.
5. P.JARAYARJ,
VARUVILAKATHU VEEDU, VIZHINJAM, THIRUVANANTHAPURAM.
6. GANESAN PILLAI,
SREEVARDHINI HOUSE, VALIYARA, VELLANADU,
THIRUVANANTHAPURAM.
7. S.RANGANADHAN,
S/O.SUBRAMANIYAN, TC 38/2450, PUTHENCHALA,
THIRUVANANTHAPURAM-36.

BY ADVS.SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA
SMT.D.S.THUSHARA
SRI.H.PRAVEEN (KOTTARAKARA)

RESPONDENT(S):

1. TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHANCODE,
THIRUVANANTHAPURAM- 695 122.
2. SUB GROUP OFFICER,
VEERANAKKAVU SUB GROUP, TRAVANCORE DEVASWOM BOARD,
NEYATTINKARA- 695 121.

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**3. ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM-695 001.**

**4. THE COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM-695 001.**

**R BY ADVS.SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD
SRI.A.N.RAJAN BABU, SC, TRAVANCORE DEVASWOM BOARD**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DG

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APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1. TRUE COPY OF THE PROCEEDINGS NO.R.O.C.2321/86/M DATED
5/7/1989.**
- EXT.P2. TRUE COPY OF THE JUDGMENT IN WA NO.2766/1998 DATED 23/6/1998.**
- EXT.P3. TRUE COPY OF THE NOTICE NO.172 DATED 9/10/2012 ISSUED BY THE
2ND RESPONDENT TO THE 1ST PETITIONER.**
- EXT.P4. TRUE COPY OF THE REPRESENTATION DATED 15/10/2012 SUBMITTED
BY THE PETITIONER BEFORE THE 4TH RESPONDENT.**
- EXT.P5. TRUE COPY OF THE INTERIM ORDER OF THIS HONOURABLE COURT
DATED 31/10/2012 IN WPC NO.25586/2012.**
- EXT.P6. TRUE COPIES OF THE RECEIPTS OF PAYMENT OF REVISED RENT AS
PER EXT.P3 ON DIFFERENT DATES REMITTED BY THE PETITIONERS.**
- EXT.7. TRUE COPY OF THE JUDGMENT DATED 7/10/2013 IN WPC
NO.25536/2012.**
- EXT.P8. TRUE COPY OF THE NOTICE ISSUED TO THE PETITIONERS BY THE
2ND RESPONDENT DATED 12/10/2015.**

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

P.A TO JUDGE

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

W.P.(C) No.32975 of 2015

Dated this the 25th day of November, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

1. Heard the learned counsel for the petitioners and the learned standing counsel for the Travancore Devaswom Board.
2. The petitioners are occupiers of different shop rooms in a shopping complex of the Travancore Devaswom Board. As per the impugned Exhibit P8 series, they have been required to enhance the security deposit and the amounts to be paid for occupation.
3. While the learned counsel for the petitioners relies on Exhibit P7, we see that the said judgment was issued essentially on consent of the Board and the concession made by the Board was only for renewal for a period up to 2012. Therefore, Exhibit P7 is no answer for any demand that the Travancore

Devaswom Board may make in relation to occupation charges for buildings or rooms belonging to and under its control, thereafter. We cannot also ignore the pristine principle that all Devaswom lands vest in deities and Travancore Devaswom Board are essentially trustees. Therefore, the action of trustees cannot be equated to that of mere landlords. The best interest of the Devaswoms under the control of the Devaswom Boards would be subserved only if income is generated.

4. Taking note of the possibility of the security deposit furnished earlier also being still available with the Travancore Devaswom Board, all that is required to be ordered is that Travancore Devaswom Board will give credit to any amount lying in deposit towards security deposit while collecting the amounts due under Exhibit P8 series towards security deposit. Such clarification is issued because the petitioners say that amounts deposited towards security, earlier, are not taken into account.

In the result, this writ petition is ordered directing that while giving effect to Exhibit P8 series any amount already lying in

deposit with Travancore Devaswom Board towards security deposit in terms of earlier payments towards security shall be accounted for and adjusted against security deposits to be made in terms of Exhibit P8 series.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE

DG