

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 33609 of 2014 (A)

PETITIONERS :

1. SREE PANIMOOLA BHAGAVATHI DEVASWOM, AGED 81 YEARS
REPRESENTED BY THEIR PRESIDENT, ANDOORKONAM
POTHENCODE, THIRUVANANTHAPURAM
2. THE SECRETARY,
SREE PANIMOOLA BHAGAVATHI DEVASWOM, ANDOORKONAM
POTHENCODE, THIRUVANANTHAPURAM
3. TREASURER,
SREE PANIMOOLA BHAGAVATHI DEVASWOM, ANDOORKONAM
POTHENCODE, THIRUVANANTHAPURAM

BY ADV. SRI.MOHAN C.MENON

RESPONDENTS :

1. THE SUPERINTENDENT OF POLICE,
RURAL, THIRUVANANTHAPURAM 695 006.
2. K. RAMACHANDRAN NAIR,
ABHIRAMAM, KANNANMOOLA, MEDICAL COLLEGE P.O
THIRUVANANTHAPURAM 695 014.
3. K. DAMODARAN NAIR, SOUPARNIKA, ANDOORKONAM,
THIRUVANANTHAPURAM 695 584.
4. K. BHUVANACHANDRAN NAIR,
SUB INSPECTOR OF POLICE (TELECOM), PATTOM
THIRUVANANTHAPURAM 695 004.

R1 BY STATE ATTORNEY, SRI. P. VIJAYARAGHAVAN
R2 BY ADV. SRI.G.BIJU
R2 BY ADV. SRI.S.JAYAPRAKASH (MADAVOOR)
R3 BY ADV. SRI.R.D.SHENOY (SR.)
R3 BY ADV. SRI.M.V.THAMBAN
R3 BY ADV. SRI.R.REJI
R3 BY ADV. SMT.THARA THAMBAN
R3 BY ADV. SRI.B.BIPIN
R3 BY ADV. SRI.ARUN BOSE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1 : TRUE COPY OF THE JUDGMENT DATED 29-07-2000 IN O.S NO 108/1991
BEFORE THE SUB COURT, ATTINGAL.

EXHIBIT P2 : TRUE COPY OF THE JUDGMENT DATED 25-11-2014 IN CA 10056/2014
(ARISING OUT OF SLP 3038/2010) OF THE HON'BLE SUPREME COURT
OF INDIA).

EXHIBIT P3 : TRUE COPY OF THE REPRESENTATION DATED 06-12-2014 SUBMITTED
BEFORE THE 1ST RESPONDENT.

EXHIBIT P4 : TRUE COPY OF THE ORDER DATED 07.11.2001 IN CMP No.6138 OF 2001
IN C.M.P. NO.1473/2001 OF THE HIGH COURT OF KERALA.

EXHIBIT P5 : TRUE COPY OF THE PROCEEDINGS OF THE RECEIVERR, ALONG WITH ITS
ENGLISH TRANSLATION.

EXHIBIT P6 : TRUE COPY OF THE DECREE DATED 28.02.2003 IN O.S. NO.86/2000 OF THE
SUB COURT, ATTINGAL ALONG WITH THE ENGLISH TRANSLATION.

EXHIBIT P7 : TRUE COPY OF THE PROCEEDINGS OF THE MANAGING COMMITTEE OF SREE
PANIMOOLA DEVASWOM, DATED 16.12.2012 ALONG WITH ITS ENGLISH
TRANSLATION.

EXHIBIT P8 : TRUE COPY OF THE REGISTERED LETTER DATED 04.08.2014 ISSUED BY
PRESIDENT, SREE PANIMOOLA DEVASWOM, ALONG WITH ITS ENGLISH
TRANSLATION.

EXHIBIT P9 : TRUE COPY OF THE COMMUNICATION DATED 15.09.2014 FROM THE PRESIDENT,
SREE PANIMOOLA DEVASWOM.

RESPONDENTS' EXHIBITS :

EXHIBIT R2(A) : TRUE COPY OF THE DEED HANDING OVER ADMINISTRATION OF THE TEMPLE
TO THE WORKING COMMITTEE PRESIDED BY 2ND RESPONDENT.

EXHIBIT R4(A) : TRUE COPY OF THE WRITTEN STATEMENT FILED BY ADDITIONAL
DEFENDANTS 8 TO 14 IN O.S. NO.108/1991 OF SUB COURT, ATTINGAL.

EXHIBIT R4(B) : TRUE COPY OF THE RELEVANT PAGES OF THE SLP NO.3038/2010 PAPER
BOOK SHOWING THE POSSESSION OF PARTIES.

EXHIBIT R4(C) : TRUE COPY OF THE ORDER OF THE SUPREME COURT DATED 27.07.2012.

EXHIBIT R4(D) : TRUE COPY OF THE ORDER OF THE HON'BLE HIGH COURT DATED
27.11.2000 IN CMP NO.6231/2000 IN A.S. NO.627/2000.

EXHIBIT R4(E) : TRUE COPY OF THE ORDER OF THE HON'BLE HIGH COURT DATED
07.12.2009 IN R.P. NO.1139/2009(M).

EXHIBIT R4(F) : TRUE COPY OF THE MINUTES OF THE GENERAL BODY MEETING HELD ON
30.06.2013 ALONG WITH ENGLISH TRANSLATION.

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EXHIBIT R4(G) : TRUE COPY OF THE DRAFT BYE-LAW PREPARED BY THE BYE-LAW
PREPARATION COMMITTEE.

EXHIBIT R4(H) : TRUE COPY OF THE MINUTES OF THE GENERAL BODY MEETING HELD ON
08.06.2014 APPROVING THE DRAFT BYE-LAW ALONG WITH ENGLISH
TRANSLATION.

EXHIBIT R4(I) : TRUE COPY OF THE LAWYERS NOTICE DATED 23.12.2014 ALONG WITH
ENGLISH TRANSLATION.

EXHIBIT R4(J) : TRUE COPY OF THE PAPER PUBLICATION DATED 08.12.2014 ALONG WITH
ENGLISH TRANSLATION.

EXHIBIT R4(K) : TRUE COPY OF THE PAPER PUBLICATION DATED 07.12.2014 ALONG WITH
ENGLISH TRANSLATION.

/TRUE COPY/

PA TO JUDGE

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.P.(C) No. 33609 OF 2014

Dated this the 14th day of January, 2015

JUDGMENT

Shaffique, J.

The petitioners have approached this Court seeking for the following reliefs:

"a. A writ in the nature of mandamus, commanding the 1st respondent to afford sufficient protection to eject respondents 2 to 4 and their henchmen who are usurpers, in the administration and management of Sree Panimoola Bhagavathi Devaswom enabling the full and final implementation of Exhibit P2 judgment of the Apex Court dated 25.11.2014 in letter and spirit."

2. Petitioners, claim to be the representatives of 7 families, who own a private temple. There has been dispute with certain members of the public who had claimed that the temple is a public temple and a Suit was filed before the Sub Court as O.S. No.108/1991. Apparently the matter reached Supreme Court and it was declared that the suit is not maintainable as the temple is a private temple.

3. Grievance of the petitioners is that they have entrusted the management of the temple at some point of time to an adhoc committee and now the adhoc committee is not giving back the management of the temple to the 7 members of the family whom the petitioners represents.

4. Going by the averments in the writ petition and after hearing the learned counsel for the petitioners, we do not think that the request for police protection can be granted in the matter.

5. Counter affidavit is filed by the private respondents denying the claim of the petitioners.

6. Though it might be correct that the petitioners' group has right and interest in respect of the temple, as it was declared as private temple by a decision of Supreme Court, it may not be possible for the Police to interfere even if the adhoc committee is not handing over the management to the petitioners or their representatives. Petitioners have to approach the Civil Court for appropriate reliefs. Police can interfere only if

there is any law and order situation. In so far as there is no law and order problem, we are unable to grant the relief as sought for. It is made clear that we have not expressed any opinion on the rival contentions of the parties.

Accordingly, reserving the right of petitioners to approach Civil Court, the Writ Petition is disposed of.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**