

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 33915 of 2014 (L)

PETITIONERS:

1. GOPAKUMAR.S.,
S/O. SREEDHARAN,AGED 38 YEARS,
PERATHERIL, THATTARAMBALAM P.O.
MAVELIKKARA - 690 103.

2. K.L.DEVADATHAN
S/O. KOCHU NANU,AGED 52 YEARS,
VAIKUNDOM, KADAVOOR
KARUPPUZHA P.O., MAVELIKKARA - 690 103.

3. G.ASHOK KUMAR
S/O. GANGADHARAN, AGED 53 YEARS,
THATHERIYATH HOUSE, PELTA P.O.
MAVELIKKARA - 690 103.

4. P.VIJAYAKUMAR
S/O. PADMANABHAN,AGED 52 YEARS,
PARAMESWARATH VEEDU, MATTOM SOUTH
THATTARAMBALAM P.O., MAVELIKKARA - 690 103.

BY ADVS.SMT.SUMATHY DANDAPANI (SR.)
SRI.MILLU DANDAPANI
KUM.ANUPAMA SUBRAMANIAN

RESPONDENTS:

1. THE DEVASWOM COMMISSIONER
TRAVANCORE- COCHIN HINDU RELIGIOUS BOARD
NANTHANCODE, THIRUVANANTHAPURAM - 695 033.

*1. THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD,
NANTHANCODE,
THIRUVANANTHAPURAM- 695 033.

2. THE ASSISTANT COMMISSIONER
OFFICE OF THE ASSISTANT COMMISSIONER
TRAVANCORE - COCHIN HINDU RELIGIOUS BOARD
MAVELIKKARA - 690 103.

*2. THE ASSISTANT COMMISSIONER,
TRAVANCORE DEVASWOM BOARD,
MAVELIKKARA - 690 103.

*(ADDRESS OF RESPONDENT Nos.1& 2 ARE CORRECTED AS PER
ORDERIN I.A. NO. 2223/2015).

3. SREEDEVI VILASOM HAINDAVA CONVENTION @ SREEDEVI VILASOM
HINDUMATHA CONVENTION, REPRESENTED BY PRESIDENT
MR.HARIKRISHNAN B, REGISTRATION 34/57
P.O. CHETTIKKULANGARA, MAVELIKKARA - 690 103.

4. RAGHUNATH
SECRETARY
SREEDEVI VILASOM HAINDAVA CONVENTION @ SREEDEVI VILASOM
HINDUMATHA CONVENTION
PO CHETTIKKULANGARA, MAVELIKKARA - 690 103.

5. THE ADMINISTRATIVE OFFICER
CHETTICULANGARA DEVASWOM, PO CHETTIKKULANGARA
MAVELIKKARA - 690 103.

R5 BY ADV. SRI.D.SREEKUMAR, SC, TDB
R3,R4 BY ADV. SRI.P.HARIDAS
R3 BY ADV. SMT.S.SIKKY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AL/-

APPENDIX

PETITIONER(S) ' EXHIBITS

P1 - TRUE COPY OF THE CIRCULAR DT. 26.12.94 ISSUED BY THE 1ST RESPONDENT.

P2 - TRUE COPY OF THE CIRCULAR DT. 09.11.99 ISSUED BY THE 1ST RESPONDENT.

P3 - TRUE COPY OF THE CIRCULAR DT. 30.12.02 ISSUED BY THE 1ST RESPONDENT.

P4 - TRUE COPY OF THE CIRCULAR DT. 28.2.04 ISSUED BY THE 1ST RESPONDENT.

P5 - TRUE COPY OF THE CIRCULAR DT. 31.3.04 ISSUED BY THE 1ST RESPONDENT.

P6 - TRUE COPY OF THE CIRCULAR DT. 09.09.04 ISSUED BY THE SECRETARY, DEVASWOM BOARD TO THE 1ST RESPONDENT.

P7 - TRUE COPY OF THE CIRCULAR DT. 02.4.05 ISSUED BY THE 1ST RESPONDENT.

P8 - TRUE COPY OF THE FINAL NOTIFICATION DT. 30.1.11 ISSUED BY THE TEMPLE ADVISORY COMMITTEE OF TRAVANCORE DEVASWOM BOARD.

P9 - TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY THE PETITIONERS 1 & 2 BEFORE THE FIRST RESPONDENT.

P10 - TRUE COPY OF THE RECEIPT NO. 10986 DT. 29.9.14 ISSUED BY 3RD RESPONDENT.

P11 - TRUE COPY OF RECEIPT NO. 1020 DT. 14.4.14 ISSUED BY THE 3RD RESPONDENT.

EXT.P12- TRUE COPY OF THE RECEIPT NO. 1392 DATED 23.12.2014.

EXT.P12(A)- TRUE COPY OF THE RECEIPT NO. 717, DATED 23.12.2014.

EXT.P12(B) - TRUE COPY OF THE RECEIPT NO. 2922, DATED 26.12.2014.

EXT.P13- TRUE COPY OF THE PUBLICATION BY THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS

EXT.R3 (A) - TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT PASSED IN W.P.(c) No. 23370/2014 dated 2.9.2014.

EXT.R3(B)- TRUE COPY OF THE FESTIVE CALENDAR OF THE CURRENT YEAR.

EXT.R3(C)-TRUE COPY OF THE PHOTOGRAPHS OF KETTUKAZHCHA OF EACH KARA.

EXT.R3 (D)- TRUE COPY OF PHOTOGRAPHS SHOWING VARIOUS STAGE OF CONSTRUCTION OF KETTUKAZCHA.

W.P.(c) No. 33915/2014

EXT.R3(E) - TRUE COPY OF PHOTOGRAPHS SHOWING THE ASSEMBLAGE OF KJETTUKAZHCHAS.

EXT.R3(F)- TRUE COPY OF PHOTOGRAPHS SHOWING THE PREPARATION AND FEEDING OF KUTHIRAMOOTIL KANJI.

EXT.R3 (G) - TRUE COPY OF PHOTOGRAPH SHOWING ASSEMBLAGE OF ASWATHY KETTYKAZHCHA.

EXT.R3 (H)- TRUE COPY OF THE REGISTER OF DISTRIBUTION OF GRANT FOR YEAR 118 ME.

EXT.R3 (I) - TRUE COPY OF THE PHOTOGRAPHS SHOWING HE INAUGURAL FUNCTION.

EXT.R3 (J) - TRUE COPY OF THE PHOTOGRAPHS SHOWING THE PRACTICE OF KUTHIYOTTAM.

EXT.R3(K) - TRUE COPY OF LETTER SANCTIONING OF CONSTRUCTION OF AUDITORIUM AS REQUESTED BY THESE RESPONDENTS DATED 27.10.2000.

EXT.R3 (L) - TRUE COPY OF LETTER SANCTIONING OF WORK BY 1ST RESPONDENT AS REQUESTED BY THIS RESPONDENT DATED 3.2.2001.

EXT.R3(M)- TRUE COPY OF LETTER OF THE 5TH RESPONDENT REQUESTING CO-OPERATION OF THIS RESPONDENT IN PURATHEZHUNNILLIPPU DATED 30.1.2003.

EXT.R3 (N) - TRUE COPY OF LETTER ISSUED BY THE 2ND RESPONDENT ON 3.11.2004 REGARDING PURAKKALAM GURUTHI.

EXT.R3 (O)- TRUE COPY OF LETTER ISSUED TO THIS RESPONDENT REGARDING THE BOOKING OF VILAKU DURING THE YEAR 2009 DATED 23.11.2008.

EXT.R3 (P) - TRUE COPY OF LETTER ISSUED BY 1ST RESPONDENT ENHANCING THE GRANT PURSUANT TO APPLICATION OF THIS RESPONDENT DATED 24.2.2009.

EXT.R3 (Q) - TRUE COPY OF LETTER ADDRESSED TO THIS RESPONDENT BY 2ND RESPONDENT REGARDING PARA EZHUNNULLIPPU DATED 5.2.2009.

EXT.R3 (R) - TRUE COPY OF LETTER OF THE 5TH RESPONDENT REQUESTING CO-OPERATION OF THIS RESPONDENT IN KAINETTAPPARA DATED 10.1.2010.

EXT.R3 (S) - TRUE COPY OF LETTER OF THE 5TH RESPONDENT REQUESTING CO-OPERATION OF THIS RESPONDENT IN REGULAR PARA EZHUNNULLIPPU DATED 27.1.2010.

EXT.R3 (T) - TRUE COPY OF LETTER OF THE 5TH RESPONDENT REQUESTING CO-OPERATION OF THIS RESPONDENT IN KAIVETTAKA EZHUNNULLIPPU AND PURAKKALA GURUTHI DATED 10.11.2014.

EXT.R3 (U) - TRUE COPY OF REPORT NO.3/2013 OF THE OMBUDSMAN DATED 5.1.2011.

EXT.R3 (V) - TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN DBPNO. 80/2011 DATED 27.5.2011.

EXT.R3 (W)- TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN I.A. NO. 1597/2010 DBA NO. 153/2009 & CONNECTED WRIT PETITIONS DATED 10.11.2010.

W.P. (c) No. 33915/2014

EXT.R3 (X) - TRUE COPY OF REPORT No. 124/2011 FILED BY THE OMBUDSMAN
IN DBA No. 153/2009 dated 4.7.2011.

EXT.R3 (Y) - TRUE COPY OF THE BYE LAW OF THE CONVENTION DATED
17.5.1957.

ANNEXURE R5A- TRUE COPIES OF RECEIPT EVIDENCING COLLECTION OF FUND BY
3RD RESPONDENT.

ANNEXURE R5B- TRUE COPY OF AUDIT NOTE.

ANNEXURE R5C- TRUE COPY OF THE REPORT.

TRUE COPY

P.A.TO JUDGE

AL/-

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.,**

W.P.(c) No.33915 of 2014

Dated this the 19th day of February 2015

JUDGMENT

Ramachandran Nair, J.,

The Petitioners are the devotees of famous Chettikulangara Temple. Complaints raised in the writ petition are regarding the manner in which the 3rd respondent has been collecting money from the devotees which according to the petitioners is not in tune with the guidelines issued by the Travancore Devaswom Board. It is also stated that the 3rd respondent collected various funds. They approached the Devaswom Commissioner by filing Ext.P9 representation which according to them was duly communicated to the Assistant Commissioner, Mavelikkara and the Secretary of the Travancore Devaswom Board. They have sought for grant of the following reliefs:

- i) issue a writ of mandamus or any other appropriate writ order or direction, directing the Devaswom Commissioner to consider Ext.P9 and take appropriate action against the mal-administration and misappropriation of the funds carried out at the instance of the members of Sreedevi Vilasom Haindava Convention @ Sreedevi Vilasom Hindumatha Convention:*
- ii) to declare that the Sreedevi Vilaswom Haindava Convention @ Sreedevi Vilasom Hindumatha Convention cannot continue in the eye of law since it has not complied with the stipulations and conditions prescribed as per Ext.P8;*

iii) to declare that the Sreedevi Vilaswom Haindava Convention @ Sreedevi Vilasom Hindumatha Convention cannot function any further under the pretext that it is acting on behalf of Devaswom Board and collecting huge funds in the name of the Devaswom.

iv) To issue an order injuncting the members of 3rd Respondent from making any further collections towards the name of the Temple, pending disposal of the above Writ Petition;

v) to pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case; and

v) Award costs.

2. Detailed counter affidavit has been filed by respondents 3 & 4. Learned Standing counsel for the Travancore Devaswom Board has also filed a statement and the petitioners have filed a reply affidavit and there is a counter affidavit filed by Secretary to the Travancore Devaswom Board.

3. Various contentions are raised by both sides. We are of the view that at this stage we need not go into the respective contentions, since the Devaswom Commissioner who is the authority, being the Chief Executive under the Travancore Devaswom Board, is to look into the complaint and take appropriate decision. He is also the custodian of the Devaswom funds and the temple being under the management of the Travancore Devaswom Board, he will have to look into the matter and take appropriate decisions in accordance with

law. Learned counsel for the 3rd and 4th respondents submitted that Ext.R3(y) bylaw is pending consideration before the Devaswom Commissioner for due approval.

4. We therefore direct the first respondent to take appropriate decision on Ext.P9 after hearing both sides within a period of one month. Any customary collection made by the 3rd respondent will be subject to the orders of the Commissioner.

The Writ Petition(c) is accordingly disposed of.

Sd/-

**T.R.RAMACHANDRAN NAIR
(JUDGE)**

**Sd/-
P.V.ASHA
(JUDGE)**

AL/-

True copy

P.A to Judge

