

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. 34041 of 2015 (E)

PETITIONER(S):

- 1. BALU KENATH, AGED 42 YEARS,
S/O. LATE T.RAMACHANDRAN, 25/317, KRISHNA,
NEAR FIRE STATION, PALAKKAD.**
- 2. A.PREMAKUMARAN, AGED 54 YEARS,
S/O. K.RAMAKRISHNAN NAIR, 'AMBADI', MANAPPULLIKAVU,
PALAKKAD.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE (DEVASWOM),
GOVERNMENT SECRETARIAT, TRIVANDRUM - 695 001.**
- 2. THE MALABAR DEVASWOM BOARD,
HOUSEFED COMPLEX, ERANHIPALAM,
KOZHIKKODE - 673 006 REPRESENTED BY THE COMMISSIONER,
MALABAR DEVASWOM BAORD.**
- 3. THE TRUSTEE BOARD OF SREE MANAPPULLYKAVU BAGAVATHI DEVASWOM,
REPRESENTED BY ITS CHAIRMAN, MANAPPULLYKAVU TEMPLE,
EAST YAKKARA, PALAKKAD - 678 013.**
- 4. THE EXECUTIVE OFFICER,
SREE MANAPPULLYKAVU BAGAVATHI DEVASWOM, EAST YAKKARA,
PALAKKAD - 678 013.**

**R4 BY ADVS. SRI.V.V.SURENDRAN
SRI.P.A.HARISH**

R1 BY SRI.A.RENJITH, GOVERNMENT PLEADER

R2 & R3 BY SRI.PARTHASARATHY.B, SC, MALABAR DEVASWOM BOARD

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

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - A TRUE COPY OF THE PALAKKAD DISTRICT GAZETTE DT. 25.10.1983.
- P2 - A TRUE COPY OF THE GOVT. ORDER DT. 24.6.2015 VIDE GO(RT) NO. 3320/2015/RD.
- P3 - A TRUE COPY OF THE SURCHARGE NOTICE DT. 28.10.2011 ISSUED BY THE LOCAL FUND AUDIT DEPARTMENT.
- P3(A) - A TRUE COPY OF THE SURCHARGE NOTICE 30.09.2011 ISSUED BY THE LOCAL FUND AUDIT DEPARTMENT.
- P3(B) - A TRUE COPY OF THE SURCHARGE NOTICE ISSUED BY THE LOCAL FUND AUDIT DEPARTMENT.
- P4 - A TRUE COPY OF THE GOVT. ORDER DT. 30.10.2003.
- P5 - A TRUE COPY OF THE INTERIM REPORT DT. 01.4.2015 SUBMITTED BY THE ADVOCATE COMMISSIONER IN WPC NO. 27126/2014.
- P6 - A TRUE COPY OF THE JUDGEMENT DT. 08.7.2015 IN WPC NO. 27126/2014.
- P7 - A TRUE COPY OF GOVERNMENT LETTER DT. 01.10.2015.
- P8 - A TRUE COPY OF THE REPRESENTATION DT. 21.10.2015 SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

PA TO JUDGE

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

W.P.C.No.34041 of 2015

Dated this the 25th day of November, 2015

J U D G M E N T

Thottathil B.Radhakrishnan, J.

- 1.This writ petition is filed in relation to the Vela festival of Sree Manappullykavu Bhagavathi Temple, Palakkad.
- 2.We have heard the learned counsel for the petitioner, learned standing counsel for the Malabar Devaswom Board, the learned counsel appearing for the 4th respondent who is the Executive Officer of the temple and the learned Government Pleader.
- 3.The Executive Officer is under the control of the Malabar Devaswom Board. Obviously therefore, any instructions or directions which the Malabar Devaswom Board issues will be binding on him, as if he is its subordinate. Exhibit P7 is the later decision of the Government regulating the functioning of the Vela committee of the temple in question. Exhibit P4 shows the earlier guidelines issued by the Government. The

distinction between Exhibits P4 and P7 is that in Exhibit P4, one among the elected members from public would be the treasurer while as per Exhibit P7, the Executive Officer becomes the treasurer. This is a more foolproof method by which the Malabar Devaswom Board will have better control over matters in connection with the Vela through the Executive Officer as the treasurer. Obviously, income and expenditure of the Vela committee ought to be subjected to audit as required by the laws. Under such circumstances, we are of the view that no orders are required from this Court, having particular regard to the contents of Exhibit P7.

In the result, this writ petition is ordered directing that the 2nd respondent will do the needful for appropriate supervision and control over the Vela committee and its activities in accordance with Exhibit P7.

Sd/-
(THOTTATHIL B.RADHAKRISHNAN, JUDGE)

Sd/-
(ANU SIVARAMAN, JUDGE)

//TRUE COPY//

P.A TO JUDGE