

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

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

WP(C).No. 35608 of 2015 (S)

PETITIONER(S):

BIJESH KUMAR. M., AGED 34 YEARS,
S/O. GOPALAKRISHNAN, MARATH HOUSE,
THAMARAYOOR P.O., GURUVAYOOR, PIN-680 505.

BY ADV. SRI.M.A.ABDUL HAKHIM.

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED SECRETARY,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695 001.
2. T.V. CHANDRAMOHAN, "GOVIND",
HARISRI MURUGA NAGAR, POONKUNNAM,
THRISSUR-680 002.
3. K. SIVASANKARAN, "SOUMYA VIHAR",
PALIYAMKADAVU ROAD, CHENDAMANGALAM P.O.,
NORTH PARAVUR-683 512.
4. N. RAJU, "SOUPARNIKA",
CHAMUNDESWARI ROAD, GURUVAYOOR-680 101.
5. A. SURESAN, ADVOCATE,
"ANURAG". S.N. PARK MAIN ROAD,
POOTHOLE, THRISSUR-680 101.
6. M. JANARDHANAN, ADVOCATE,
M.C. HOUSE, MUNDANKULAM,
MUTHUPARAMBU, KONDOTTI,
MALAPPURAM-673 638.

R1 BY SRI.P. VIJAYARAGHAVAN, STATE ATTORNEY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE G.O. ISSUED BY THE 1ST RESPONDENT.
- EXT.P2 COPY OF THE COUNTER AFFIDAVIT FILED BY THE ADMINISTRATOR OF THE GURUVAYOOR DEVASWOM IN SLP 15699 OF 2004 ON THE FILES OF THE HONOURABLE SUPREME COURT.
- EXT.P3 COPY OF THE LETTER ISSUED BY THE ADDITIONAL CHIEF SECRETARY OF THE 1ST RESPONDENT TO THE GENERAL SECRETARY OF THE GURUVAYOOR DEVASWOM EMPLOYEES CONGRESS ALONG WITH ENGLISH TRANSLATION.
- EXT.P4 COPY OF THE LETTER ISSUED BY THE SUB INSPECTOR OF POLICE, GURUVAYOOR TO ONE RUGMINI ALONG WITH ENGLISH TRANSLATION.
- EXT.P5 COPY OF THE JUDGMENT IN C.C. NO.1052/2010 ON THE FILE OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, CHAVAKKAD.
- EXT.P6 COPY OF THE ORDER PASSED BY THE REVENUE SECRETARY OF THE 1ST RESPONDENT.
- EXT.P7 COPY OF THE PETITION SUBMITTED BY THE GENERAL CONVENER OF GURUVAYOOR PRATHIKARANA VEDI TO THE HOME MINISTER OF INDIA.
- EXT.P8 COPY OF THE PETITION SUBMITTED BY THE GENERAL CONVENER OF GURUVAYOOR PRATHIKARANA VEDI TO THE VIGILANCE AND DIRECTOR OF ANTI CORRUPTION BUREAU OF THE 1ST RESPONDENT.
- EXT.P9 COPY OF THE PETITION SUBMITTED BY THE GENERAL CONVENER OF GURUVAYOOR PARATHIKARANA VEDI TO THE CENTRAL VIGILANCE COMMISSIONER.
- EXT.P10 COPY OF THE PETITION SUBMITTED BY THE GENERAL CONVENER OF GURUVAYOOR PRTHIKARANA VEDI TO THE DIRECTOR OF VIGILANCE AND ANTI CORRUPTION BUREAU OF THE 1ST RESPONDENT.
- EXT.P11 COPY OF THE PETITION SUBMITTED BY SRI.HARIKRISHNAN P. TO THE DIRECTOR, VIGILANCE AND ANTI CORRUPTION BUREAU.
- EXT.P12 COPY OF THE SAID REPRESENTATION SUBMITTED BY THE PETITIONER TO THE CHIEF MINISTER OF KERALA.
- EXT.P13 COPY OF THE PLAINT IN OS. NO.45/2015 BEFORE THE DISTRICT COURT, THRISSUR.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

W.P.C.No.35608 of 2015

Dated this the 25th day of November 2015

J U D G M E N T

Ashok Bhushan,CJ

This writ petition has been filed as a public interest litigation by the petitioner seeking to issue a writ of mandamus directing the 1st respondent not to consider respondents 2 to 6 for re-nomination to Guruvayoor Devaswom Managing Committee. Respondents 2 to 6 were nominated by the Government by notification dated 15/11/2013.

2. Petitioner's case is that the Committee has to be constituted under Sections 3 and 4 of the Guruvayoor Devaswom Act, 1978. It is submitted that there has been allegations against respondents 2 to 6. Hence he has filed a representation on 19/11/2015 addressed to the Chief Minister of Kerala not to allow any previous Managing Committee members into the new committee being appointed.

3. Admittedly, the Managing Committee of Guruvayoor Devaswom Board has not yet been constituted. On a query made

by us, learned counsel has clearly submitted that there is no bar in the statutory provision for re-nomination. The issues which are sought to be raised are premature to be considered in this writ petition.

We are not inclined to entertain this writ petition as a public interest litigation, at this stage. Hence this writ petition is closed.

(sd/-)
(ASHOK BHUSHAN, CHIEF JUSTICE)
(sd/-)
(A.M.SHAFFIQUE, JUDGE)

jsr/25/11/2015

True Copy

PA to Judge