IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.M.MANOJ

FRIDAY, THE 11TH DAY OF APRIL 2025 / 21ST CHAITHRA, 1947

OP(C) NO. 992 OF 2025

I.A. No.58/2025 IN OS NO.1 OF 2006 OF ADDITIONAL DISTRICT COURT (ADHOC), KOLLAM

PETITIONER/1st RESPONDENT/2ND PLAINTIFF:

S. JAYAPRAKASH
AGED 70 YEARS
S/O SREEDHARAN, KALARIKKAL, KADATHOOR, K.S. PURAM,
KARUNAGAPALLY, KOLLAM, PIN - 690518

BY ADVS. K.S.HARIHARAPUTHRAN
PINKU MARIAM JOSE
K.M.FATHIMA

RESPONDENTS/RESPONDENT AND 2ND AND 3RD PETITIONERS/DEFENDANT AND 1ST AND 3RD PLAINTIFF:

1 **OACHIRA PARABRAHMA TEMPLE**
REPRESENTED BY ITS ADMINISTRATOR, OACHIRA,
KOLLAM., PIN - 690525

2 **M.R.BINAL DANI**
AGED 63 YEARS
S/O. M.S.RUDRAN, MUKKADATHU HOUSE, SRAYIKKADU,
KARUNAGAPPALLY, KOLLAM, PIN - 690518

3 **S.SASIDHARAN PILLAI**
AGED 71 YEARS
S/O SREEDHARAN PILLAI, KANNADIYIL, MEMANA, OACHIRA (PO),
KAYAMKULAM, ALAPPUZHA, PIN - 690525

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 11.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.M. MANOJ, J

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OP(C) No. 992 of 2025

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Dated this the 11th day of April, 2025

JUDGMENT

The Original Petition is preferred for the expeditious disposal of Ext.P2, I.A. No.58 of 2025 in O.S. No.1 of 2006 pending before the First Addl. District Court, Kollam.

2. The petitioner is the second plaintiff in the above Suit filed under Section 92 of the Code of Civil Procedure, 1908 for framing a scheme for the administration of Ochira Parambrahma Temple and its assets, a public religion and charitable trust.

3. It is the case of the petitioner that a preliminary decree passed in the above Suit was challenged before this Court in RFA No.562/2010 and the same was disposed of by judgment dated 02.03.2020. Against which a Civil Appeal Nos.13708 & 13709 of 2024 were preferred before the Apex Court. Those Civil Appeals and Contempt Petition (Civil) Nos.987 & 988 of 2023 were heard together and judgment was rendered on 03.12.2024, whereby Justice K. Ramakrishnan, a retired Judge of this Court was appointed as Administrative

Head/Administrator to conduct the election for the administration and management of the temple and its allied institutions in a free and fair manner.

4. However, as per Clause (x), Paragraph 16 of the judgment grants the right to the parties to raise all the issues touching upon their rights before the trial court in the final decree proceedings. In the meanwhile, persons handling the affairs of the temple, without any right and in violation of the provisions of the bye-law and the positive directions in the RFA, fraudulently created documents so as to make it appear that the petitioner and certain others were removed from the executive committee and the working committee of the temple and was disqualified to contest in the elections for a term of 7 years in terms of Section 34 of the bye-laws in the alleged meeting held on 07.04.2022.

5. This being the situation, the petitioner apprehends that the Administrator will not allow the petitioner and two others i.e., respondents 2 and 3, who are the persons stated to have been disqualified to contest in the election, filed I.A. No. 58/2025 in OS No. 1 of 2006 for a direction to the Administrator to permit them to participate and contest the election to the Administrative Committee of the Ochira Parambrahma Temple. In a similar situation, I.A. Nos.57,

59 and 65 of 2025 were filed and pending. A common objection was filed in all the applications. Even after several postings, the I.As are not yet disposed of. According to the petitioner, the respondent Administrator is taking steps for the preparation of the voters list and if the I.As are not disposed of, the valuable rights claimed by the petitioner and others to contest the election will be defeated. That will cause irreparable injury and loss to the petitioner. This is the circumstance in which the Original Petition is preferred seeking a direction to the Addl. District Court, Kollam to consider and dispose of Ext.P2 application in accordance with law, as early as possible, within a time stipulated by this Court.

6. On hearing the arguments put forward by the learned counsel for the petitioner Sri.K.S. Hariharaputhran, and considering the limited nature of the prayer, I prefer to dispense notice to the respondents. Accordingly, notice to the respondents is dispensed with.

7. Going by the averments and pleadings, it appears that by Ext.P1, an Administrator has been appointed, and specific terms have been given under paragraph 16 of Ext.P1 judgment in Civil Appeal No.13708-13709 of 2024. But it is alleged that in a meeting held on 07.04.2022, the petitioner and respondents 2 and 3 are disqualified

under Section 34 of the bye-law, the legality of which is a matter to be examined by the trial court prior to the preparation of the voters list by the Administrator so appointed. Otherwise, if such steps are taken, it will be in violation of the provisions of law, which will result in injustice. However, without going into the merit, the only remedy available to protect the interest of the petitioner is to direct the trial court to consider the I.A. stated to be pending before the trial court and dispose of it as expeditiously as possible. Since information with respect to the probable time that may be required to dispose of the application is not obtained from the trial court, the only direction that can be given is to consider and pass appropriate orders as expeditiously as possible, without prescribing a time limit.

8. Considering the aforementioned factors, there will be a direction to the trial court to take earnest steps to consider and pass appropriate orders on the pending Interlocutory Application produced as Ext.P2, as expeditiously as possible.

Accordingly, the Original Petition is disposed of.

Sd/-

P.M.MANOJ
JUDGE

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APPENDIX OF OP(C) 992/2025

PETITIONER EXHIBITS

Exhibit P1	**TRUE COPY OF THE JUDGEMENT DATED 3.12.2024 OF THE SUPREME COURT OF INDIA IN CIVIL APPEAL NOS. 13708 – 13709 OF 2024**
Exhibit P2	**TRUE COPY OF IA 58/2025 DATED 18.2.2025 FILED IN OS NO.1/2006, ON THE FILES OF THE 1ST ADDL. DISTRICT JUDGE'S COURT, KOLLAM**
Exhibit P3	**TRUE COPY OF THE OBJECTION DATED 7.3.2025 FILED IN IA 57/2025 IN OS NO.1/2006, ON THE FILES OF THE 1ST ADDL. DISTRICT JUDGE'S COURT, KOLLAM,**