

Rajamma vs Ajith a

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Court : Kerala

Decided On : Aug-01-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr.Justice P.G. Ajithkumar

Appeal No. : Con.Case(C)/1418/2023

Appellant : Rajamma

Respondent : Ajith a

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ANIL K.NARENDRAN & THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945 CON.CASE(C)NO.1418 OF 2023 ARISING FROM W.P.(C)NO.3525 OF 2022 DATED 28.03.2023 OF HIGH COURT OF KERALA PETITIONER: RAJAMMA, AGED 67 YEARS, D/O KANDANKOTHI, RESIDING AT KANNATH, KOMBUKUTTI, KUPPAKAYAM P.O., MUNDAKAYAM, IDUKKI DISTRICT, PIN - 686513 BY ADV V.N.SASIDHARAN RESPONDENT: AJITH A., (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER) THE STATION HOUSE OFFICER,

PERUVANTHANAM POLICE STATION, PERUVANTHANAM P.O.,
IDUKKI DISTRICT, PIN - BY ADV ADVOCATE GENERAL OFFICE
KERALA OTHER PRESENT: SRI S.RAJMOHAN - SR. GOVERNMENT
PLEADER THIS CONTEMPT OF COURT CASE (CIVIL) HAVING
COME UP FOR ADMISSION ON 01.08.2023, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The petitioner is the 21st respondent in W.P.(C)No.3525 of 2022. That writ petition, which was one filed by a devotee of Valliyamkavu Devi Temple, alleging that the property of the said temple, which is one under the management of the Travancore Devaswom Board, is trespassed upon by others. His further grievance was that the public roads leading to the temple are not being freely accessible to the devotees. A Temple Advisory Committee of Valliyamkavu Devi Temple is yet to be constituted and there are unauthorised shops functioning in the vicinity of the temple for selling pooja articles. That writ petition along with the connected matters were disposed of by Annexure I judgment/

order dated 28.03.2023. Paragraph 19 of that judgment/order

reads thus; 19. Accordingly, 1) W.P.(C) No.3525 of 2022 and D.B.P.No.32 of 2022 are disposed of by directing that,

(a) If any obstruction or inconvenience is caused to the

devotees on account of any conduct on the part of the traders conducting shops in front or near the Valliyamkavu Devi Temple, the same shall be dealt with House Officer, appropriately by the Station House Officer, Peruvanthanam Police Station. He shall take all necessary steps to maintain law and order in the locality. Similarly, the Excise Officer, Peerumedu Circle, Idukki shall take stringent action against any trader, who is conducting any trade in the locality in violation of the Excise Laws;

(b) If there occur any unauthorised sale of pooja items

and flower garlands in front of or near the Valliyamkavu Devi Temple, the Administrative Officer shall bring to the notice of the Secretary of the Peruvanthanam Grama Panchayat and also the Station House Officer, Peruvanthanam Police Station in which event the Secretary of the Grama Panchayat and also the Station House Officer shall take necessary action in accordance with the directions contained in the judgment of this Court in Suneesh K.S v. Travancore Devaswom Board and others [ILR 2022 (1) Kerala 1091]. Stern action shall be taken against the traders, who are misleading the devotees, using the name of Valliyamkavu Devi Temple or the deity; and

(c) The Station House Officer, Peruvanthanam Police

Station shall ensure that no breach of peace or law occurs near or in the vicinity of Valliyamkavu Devi Temple. 2) W.P.(C)No.6259 of 2022 is dismissed. It is for the Panchayat to take appropriate decision on Ext.P7 notice issued to the petitioner in accordance with the provisions of law after giving a reasonable opportunity of being heard to the petitioner.

2. Now, the petitioner, who is the 21st respondent in W.P.(C)No.3525 of 2022, is before this Court in this contempt case, alleging wilful disobedience of the directions contained in that

judgment by the respondent herein, the Station House Officer,

Peruvanthanam Police Station.

3. On 11.07.2023, when this contempt case came up for admission, it was ordered to be listed on 20.07.2023.

4. The respondent herein, the Station House Officer, Peruvanthanam Police Station, has filed an affidavit dated 14.07.2023. Paragraphs 3 to 8 of that affidavit read thus;

3. In the judgment dated 28.03.2023 in W.P.(C)No.3525 of 2022 this Hon'ble Court ordered the Station House Officer that if any obstruction or inconvenience is caused to the devotees on account of any conduct on the part of the traders conducting shops in front or near the Valliyamkavu Devi Temple, the same shall be dealt with appropriately and

he shall take all necessary steps to maintain law and order

in the locality. Besides, if there occur any unauthorized sale of Pooja items and flower garlands in front or near the Valliyamkavu Devi Temple, the Station House Officer shall take necessary action in accordance with the direction contained in the judgment of the Hon'ble court. Stern action shall be taken against the traders who are misleading the devotees using the name of Valliyamkavu Devi Temple or the deity and the Station House Officer shall ensure that no

breach of peace or law occurs near or in the vicinity of Valliyamkavu Devi Temple.

4. In compliance with the judgment in W.P.(C)No.3525 of

2022 dated 28.03.2023 of this Hon'ble Court, this respondent personally visited the Valliyamkavu Devi Temple area and give necessary directions to authorized traders conducting shops in front and near the Valliyamkavu Devi temple to comply the judgment of Hon'ble Court in true spirit. Besides, the directions in the judgement have also informed to them. Also ensured law and order is always maintained in the area and no breach of peace or law occurs near or in the vicinity of Valliyamkavu Devi Temple.

5. After that the petitioner filed a Contempt Case (C) and in

the contempt case the petitioner alleged that several persons are conducting Pooja stalls in and around the petitioners father's Smrithi

Mandapam and the temple illegally without the permission of the authorities and there for the petitioner filed complaints before respondent and no action has been taken so far to comply the judgment. The petitioner is residing in Kannattukavala near Kompukuthi area and the above place is around 10 kilometers from the Valliyamkavu Devi Temple.

6. In compliance with the judgment of this Hon'ble Court,

regular mobile patrolling is conducted in the Valliyamkavu Devi Temple area especially on all Tuesdays, Fridays and Sundays to monitor the activities and conduct on the part of the authorized traders conducting shops in front or near the temple and to find out any unauthorized sale of pooja items and flower garlands in front or near the Valliyamkavu Devi

Temple. In addition, strict direction has been given to the authorized traders not to canvas the devotees to their shops or to make any obstruction or inconvenience to the devotees and also not to create any law and order situation in the area.

7. After the above directions, till date no complaints have

been received in Peruvanthanam Police Station from the side of the petitioner about any unauthorized sale of pooja items and flower garlands or functioning of pooja stall in and around the petitioners father's Smrithi Mandapam and the temple illegally without the permission of the authorities. No petitions were received from the side of devotees/visitors in connection with any obstructions or inconvenience from the side of the traders conducting shops in front or near the Valliyamkavu Devi Temple. Presently, there is no law and

order situation prevailing in the area. There is no

unauthorized sale of pooja items and flower garlands in front of or near the Valliyamkavu Devi Temple. In addition, the Administrative Officer of the Valliyamkavu Devi Temple has not given any complaint or

information regarding the unauthorized sale of pooja items and flower garlands in front of or near the Valliyamkavu Devi Temple. Above all, as a Station House Officer of Peruvanthanam Police Station, I am always complying the directions in the judgment of Hon'ble High Court of Kerala in its letter and spirit and regularly visit the Valliyamkavu Devi Temple area and always closely monitor the activities of traders in compliance to the directions of this Hon'ble Court.

8. This respondent is having high regard and respect to the

orders of this Honourable Court and knows that this respondent is duty bound to implement orders of this Honourable Court. There is no willful laches or negligence on the part of this respondent. The inconvenience caused to this Honourable Court may kindly be pardoned in the aforesaid facts and circumstances. This Honourable Court may be pleased to consider the aforesaid fact and accept the above and exonerate this respondent from further proceeding by dropping the aforesaid contempt of court case.

5. Heard the learned counsel for the petitioner and also the learned Senior Government Pleader for the respondent.

6. Though it is alleged in this contempt case that there is

wilful disobedience of the directions contained in Annexure I

JUDGMENT / ORDER

of this Court by the respondent Station House Officer of Peruvanthanam Police Station, the only averment in the memo of charges which forms part of this contempt case reads thus;

That you, Ajith A.,(age and fathers name not known to the petitioner),
The Station House Officer, Peruvanthanam Police Station,
Peruvanthanam P.O., Idukki District, Pin - 685 532, have knowingly and

willfully disobeyed the directions contained in Annexure I judgment of the Honble High Court of Kerala and thereby committed contempt of court and is therefore liable to be punished under Section 12 of the Contempt of Courts Act, 1971. (underline supplied)

The petitioner has not even chosen to file a representation before the respondent Station House Officer of Peruvanthanam Police Station pointing out the alleged wilful disobedience.

7. Valliyamkavu Devi Temple is a temple under the

management of the Travancore Devaswom Board. As per Section 15A of the Travancore-Cochin Hindu Religious Institutions Act, 1950, it shall be the duty of the Board to perform the following functions, namely, (i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly; (ii) to monitor whether the administrative officials and employees and also the employees connected with religious rites are functioning properly; (iii) to ensure proper maintenance and upliftment of the Hindu religious institutions; (iv) to establish and maintain proper facilities in the temples for the devotees. As per Section 31 of the Act, subject to the provisions of Part I and the rules made thereunder, the Board shall manage the properties and affairs of the Devaswoms, both incorporated, and unincorporated as heretofore, and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage. The daily worship and religious ceremonies in Valliyamkavu Devi Temple have to be conducted within the temple premises and not in the Smrithi Mandapam referred to in the contempt case. In case the devotees are being misled by the petitioner or any other person, it is for the Administrative Officer, Valliyamkavu Devi Temple to submit a complaint before the respondent Station House Officer for interference.

8. From the affidavit filed by the respondent Station

House Officer of Peruvanthanam Police Station, we notice that regular mobile patrolling is being conducted by police in the Valliyamkavu Devi Temple area especially on all Tuesdays, Fridays and Sundays to monitor the activities of

authorised traders conducting shops in front or near the temple and to find out whether there is any unauthorised sale of pooja items and flower garlands in front or near the temple. In addition, strict direction has been given to the authorised traders not to canvas the devotees to their shops or to make any obstruction or inconvenience to the devotees and also not to create any law and

order situation in the area.

9. The learned Senior Government Pleader would submit

that the respondent Station House Officer has taken necessary steps to ensure strict compliance of the directions contained in Annexure I

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of this Court. In such circumstances, we find that the petitioner has not made out a case for proceeding with this contempt case and the same is accordingly closed.
Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.G. AJITHKUMAR, JUDGE
MIN
APPENDIX OF CON.CASE(C) 1418/2023 PETITIONER ANNEXURES
ANNEXURE I CERTIFIED COPY OF JUDGMENT DATED 28.03.2023 IN W.P(C)
NO. 3525 OF 2022 OF THIS HON'BLE COURT

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