

A.R.Ramanathan, vs the Commissioner,

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Court : Kerala

Decided On : Oct-31-2023

Judge : Honourable Mr. Justice Anil K.Narendran,Honourable Mr. Justice G.Girish

Appeal No. : WP(C)/25731/2023

Appellant : A.R.Ramanathan,

Respondent : The Commissioner,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN & THE HONOURABLE MR.JUSTICE G. GIRISH TUESDAY, THE 31ST DAY OF OCTOBER 2023 / 9TH KARTHIKA, 1945 W.P.(C)NO.25731 OF 2023 PETITIONER: A.R.RAMANATHAN, AGED 60 YEARS S/O.LATE RAMAKRISHNA IYER 9/447, ALAMPALLAM P.O CHITTUR TALUK, PALAKKAD DISTRICT PRESENTLY RESIDING AT MAYOORA PRIYA, DOUBLE STREET KODUVAYOOR, PALAKKAD DISTRICT, PIN - 678501 BY ADV K.MOHANAKANNAN RESPONDENTS:

1 THE COMMISSIONER, MALABAR DEVASWOM BOARD, HOUSEFED COMPLEX, ERANJIPALAM, KOZHIKODE, PIN - 678003 2

MALABAR DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, HOUSEFED COMPLEX, ERANJIPALAM, KOZHIKODE -, PIN - 673003 3 THE ASSISTANT COMMISSIONER, MALABAR DEVASWOM BOARD, PALAKKAD DIVISION, PALAKKAD DISTRICT, PIN - 678001 4 THE EXECUTIVE OFFICER, SREE BHOOMIDEVI SAMEDA VARADARAJA PERUMAL TEMPLE, AALAMPALLAM, CHITTUR TALUK, PALAKKAD, PIN - 678006 5 A.L.VARADARAJAN, AGED 50 YEARS S/O.LAKSHMANA IYER, 9/34, AALAMPALLAM, CHITTUR

TALUK, PALAKKAD-, PIN - 678006 6 A.SREERAM, AGED 42 YEARS S/O.ANANTHA KRISHNAN 9/19, ALLAMPALLAM CHITTUR TALUK PALAKKAD DISTRICT, -, PIN - 678506 7 P.K.GOPALAN, S/O.KRISHNA IYER, ALAMPALLAM, KOLLENGODE, CHITTUR TALUK, PALAKKAD DISTRICT-, PIN - 678506 8 ALAMPALLAM VARADARAJA PERUMAL CHARIOT RENOVATION COMMITTEE, REPRESENTED BY ITS PRESIDENT A.L.VARADARAJAN, ALAMPALLAM PO, PALAKKAD, PIN - 678006 BY ADVS. P.B.SUBRAMANYAN MAHESH V RAMAKRISHNAN P.B.KRISHNAN(K/1193/1994) SABU GEORGE(K/000711/1998) B.ANUSREE(K/000951/2016) MANU VYASAN PETER(K/000652/2013) MEERA P.(K/000191/2019)

SRI R.LAKSHMI NARAYAN - STANDING COUNSEL - MALABAR DEVASWOM BOARD THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31.10.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The petitioner, who is a devotee Sree Bhoomidevi Samed

Varadaraja Perumal Temple in Palakkad District, which is a controlled institution under the Malabar Devaswom Board, has filed this Writ Petition under Article 226

of the Constitution of India, seeking a writ of mandamus commanding respondents 1 to 4 to remove respondents 5 to 7, namely, A.L. Varadarajan, A. Sreeram and P.K. Gopalan from the 8th respondent Alampallam

Varadaraja Perumal Chariot Renovation Committee. The petitioner has also sought for a writ of mandamus commanding the 3rd respondent Assistant Commissioner, Malabar Devaswom Board, Palakkad Division, to consider Ext.P11 representation dated 13.07.2023 and take action to dissolve the 8th respondent

Chariot Renovation Committee and to constitute a fresh committee for the renovation of the chariot, in terms of the Circular No.HRH.5/8246/06 dated 15.06.2007 issued by the Commissioner of the erstwhile Hindu Religious Charitable and Endowment (Administration) Department; and a declaration that respondents 5 to 7 are disqualified to be members of the 8th respondent Chariot Renovation Committee, in view of various

orders passed by the 1st respondent Commissioner Malabar Devaswom Board and the 3rd respondent Assistant Commissioner.

2. On 07.08.2023, when this writ petition came up for

admission, the matter was admitted on file. The learned Standing Counsel for the Malabar Devaswom Board took notice for respondents 1 to 3. Urgent notice by special messenger was ordered to respondents 4 to 8, returnable by 10.08.2023. By the

order dated 07.08.2023, this Court directed the 1st respondent

Commissioner, Malabar Devaswom Board, the 2nd respondent

Malabar Devaswom Board, the 3rd respondent Assistant Commissioner and also the 4th respondent Executive Officer of Sree Bhoomidevi Samedha Varadaraja Perumal Temple to ensure that no activities are undertaken by the 8th respondent Chariot Renovation Committee, in terms of Ext.P8 brochure, and that no amounts are withdrawn from the bank account of the said Committee referred to in that brochure, for a period of two weeks. The said interim order, which was extended

from time to time, is still in force.

3. Heard the learned counsel for the petitioner and the learned Standing Counsel for Malabar Devaswom Board for respondents 1 to 3, the learned counsel for the 4th respondent and the learned counsel for respondents 5 and 8.

4. During the course of arguments, it is pointed out by the learned counsel on both sides, that W.P(C) No.24881 of 2023 has already been disposed of by the judgment of this Court

dated 24.08.2023. The relevant paragraphs of that judgment

read thus;

21. In the result, this writ petition is allowed by setting aside Ext.P9 order dated 27.06.2023 of the 1st respondent State in Revision Petition No.1 of 2023 and the said respondent is directed to reconsider Revision Petition No.1 of 2023 and pass reasoned order, in accordance with law, with notice to both sides, i.e., the writ petitioners and others, who were the petitioners in R.P.No.11 of 2022 before the 2nd respondent Commissioner, the 5th respondent Executive Officer and the 6th respondent revision petitioner, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment.

22. It would be open to both sides to submit written

submissions before the 1st respondent State, within a period of three weeks from the date of receipt of a certified copy of this judgment, after serving a copy of the same to the opposite side. Registry to forward a certified copy of this judgment to the additional 8th respondent Principal Secretary to Government, General Administration Department, for information and necessary action to ensure that the decision-making process by all quasi-judicial authorities in

the State is strictly in conformity with the law laid down hereinbefore. The orders shall be passed after affording the affected persons a reasonable opportunity of being heard and the quasi-judicial authorities shall pass a reasoned order, after adverting to the legal and factual contentions raised by both sides.

5. In view of the judgment of this Court in W.P(C)

No.24881 of 2023, the disqualification of the 5th respondent continues, which will be subject to the outcome of Revision Petition No.1 of 2023 pending consideration before the State.

6. The learned Standing Counsel for Malabar Devaswom

Board, on instructions from the 3rd respondent Assistant Commissioner, would submit that the 4th respondent Executive Officer of Sree Bhoomidevi Samedha Varadaraja Perumal Temple has already informed the 3rd respondent Assistant Commissioner that on account of resignation of respondents 6 and 7, the 5th respondent alone remains in the 8th respondent Chariot Renovation Committee and as such, the activities in connection with the renovation of the Chariot cannot be proceeded by the said Committee. Insofar as the disqualification of the 5th respondent is concerned, the matter is now pending consideration before the State.

7. Having considered the pleadings and materials on

record and also the submissions made at the Bar, we notice that the 8th respondent Chariot Renovation Committee may not be in a position to proceed further with the renovation of the Chariot, since after the resignation of respondents 6 and 7, the 5th respondent alone remains in that Committee. In such circumstances, this writ petition is disposed of by

directing the 1st respondent Commissioner, Malabar Devaswom Board, to take an appropriate decision on the renovation work of the Chariot of Sree Bhoomidevi Samedha Varadaraja Perumal Temple, as expeditiously as possible, at any rate, within a period of three weeks from the date of receipt of a certified copy of this judgment, with notice to both sides. The 1st respondent Commissioner shall take

necessary steps to ensure that the entire amount collected from the devotees for the renovation of the Chariot Sree Bhoomidevi Samedha Varadaraja Perumal Temple by the 8th respondent Chariot Renovation Committee is properly accounted, utilised for the renovation of the Chariot and subjected to statutory audit.

Sd/- ANIL K. NARENDRAN, JUDGE Sd/- G. GIRISH, JUDGE vgd APPENDIX OF WP(C) 25731/2023 PETITIONERS EXHIBITS EXHIBIT P1 TRUE COPY OF THE BYE-LAW OF THE BHAKTHAJANA SABA DATED 15-7-2016 EXHIBIT P1(A) TRUE COPY OF THE JUDGMENT IN WRIT PETITION (C)8316/2020. DATED 17-3-2020 EXHIBIT P2 TRUE COPY OF THE PROCEEDINGS NO.A5/3692/2020/MDB(3) DATED 24-2-2021 OF THE 3 RD RESPONDENT WITH NOTICE AND REPORT EXHIBIT P3 TRUE COPY OF THE NOTICE PUBLISHED IN THE NOTICE BOARD DATED 12-4-2021 BY THE 4TH RESPONDENT EXHIBIT P4 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT DATED 13-4-2021 EXHIBIT P5 TRUE COPY OF THE JUDGMENT DATED 16-4- 2021 IN WRIT PETITION NO.9942/2021

EXHIBIT P6 TRUE COPY OF THE ORDER

NO.H5/2046/2021/MDB DATED 22-4-2021 OF THE COMMISSIONER EXHIBIT P7 TRUE COPY OF THE JUDGMENT IN WRIT PETITION NO.28458/2022 DATED 8-12-2022 EXHIBIT P8 TRUE COPY OF THE BROCHURE PUBLISHED BY THE 8TH RESPONDENT EXHIBIT P9 TRUE COPY OF THE ORDER OF THE COMMISSIONER IN RP 11/2022 DATED 26-12-2022 EXHIBIT P10 TRUE COPY OF THE GO(RT)NO.2364/ 2023/ RD DATED 27-6-2023 EXHIBIT P11 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DATED 13-7-2023

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