

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Before

THE HON'BLE MR. JUSTICE SHAJI P. CHALY

&

THE HON'BLE MRS. JUSTICE M.R. ANITHA

Friday, the 8th day of May, 2020/18th VAISAKHA, 1942

W.P.(C) No. 9765 of 2020

Petitioner:

A. Nagesh, S/o Gopalakrishnan, aged 50 Years,
Attour House, Thalavanikkara, Konikara.P.O.,
Thrissur. PIN 680 306.

By Adv. Rajesh Chakyat.

Respondents:

1. The State of Kerala
Represented by its: Secretary to the Government,
Department for Devaswom, Government Secretariat,
Thiruvananthapuram. PIN 695 001.
2. **Sree Guruvayoor Devaswom Committee** , Guruvayoor,
Rep by; The Chairman, Office of the Managing committee,
Guruvayoor Devaswom committee, Guruvayoor.
PIN 680 101.
3. **Sree Guruvayoor Devaswom.**
Rep by: The Administrator, Guruvayoor Devaswom,
Guruvayoor. PIN 680 101.
4. The Commissioner, Guruvayoor Devaswom, Guruvayoor. P.O. ,
Thrissur District. PIN 680 101.

SRI. T.K. VIPINDAS, SC, GURUVAYUR DEVASWOM BOARD
SRI. BIMAL K. NATH, SR. GOVERNMENT PLEADER

This Writ Petition (Civil) having come up for orders on 08.05.2020,
along with W.P.(C) Nos.9780, 9800, 9802, 9805 & 9808 of 2020,
the court on the same day passed the following:

W.P.(C) Nos. 9765, 9780, 9800, 9802, 9805 & 9808 of 2020

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THE HON'BLE MRS. JUSTICE M.R. ANITHA

Friday, the 8th day of May, 2020/18th VAISAKHA, 1942

W.P.(C) No. 9780 of 2020

Petitioner:-

R.V. Babu, S/o. Viswanathan, aged 52 years, General Secretary, Hindu Aikya Vedi Kerala (Reg.No. TVM/TC/1332-2017), residing at Nalinam, Mookambika Road, North Paravoor, Ernakulam, Kerala- 683513

SRI. SAJITH KUMAR V

Respondent(s):-

1. The State of Kerala represented by its Secretary to the Government, Department for Devaswom, Govt. of Kerala, Secretariat, Thiruvananthapuram Pin: 695 001.
2. The Chief Secretary to the Government, Government of Kerala, Secretariat, Thiruvananthapuram, Pin: 695 001.
3. Guruvayoor Devaswom Managing Committee, represented through Administrator, Guruvayoor Devaswom, Guruvayur P.O., Thrissur District, Pin: 680 101.
4. The Administrator, Guruvayoor Devaswom, Guruvayur P.O., Thrissur District, Pin: 680 101.
5. The Chairman, Guruvayoor Devaswom Managing Committee, Guruvayoor Devaswom, Guruvayur P.O., Thrissur District, Pin: 680 101
6. The Commissioner, Guruvayoor Devaswom, Guruvayur P.O., Thrissur District, Pin: 680 101.

SRI. T.K. VIPINDAS, SC, GURUVAYUR DEVASWOM BOARD

SRI. BIMAL K. NATH, SR. GOVERNMENT PLEADER

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

Before

THE HON'BLE MR. JUSTICE SHAJI P. CHALY

&

THE HON'BLE MRS. JUSTICE M.R. ANITHA

Friday, the 8th day of May, 2020/18th VAISAKHA, 1942

W.P.(C) No. 9800 of 2020

Petitioner No.1:

Kerala Kshethra Samrakshana Samithi, Reg. No. 142/77,
Jayaprakash Narayan Road, Kozhikode, Kozhikode District, PIN
673 002 represented by its General Secretary (Narayanan Kutty K.,
S/o Kunhunni Nair, aged 65, Madathil House, Valoringal,
Punnappala Post, Wandoor Via, Malappuram District-679 328)

By Adv. Dr. V.N. Sankarjee

Respondents:

1. The Guruvayoor Devaswom Managing Committee, represented by its Administrator, Guruvayoor Devaswom, Guruvayoor, Thrissur District, PIN-680 101.
2. The Commissioner, Guruvayoor Devaswom, Guruvayoor, Thrissur District, PIN-680 101.
3. Advocate K.B. Mohandas, Chairman, Guruvayoor Devaswom, TC 37/1432, Kooliyattuvalappil House, Udaya, Poothole, Thrissur, Thrissur District-680 004.
4. The State of Kerala represented by the Chief Secretary, Government of Kerala, Secretariat, Thiruvananthapuram, Thiruvananthapuram District, PIN 695 001.
5. The Principal Secretary, Finance Treasury Department,

W.P.(C) Nos. 9765, 9780, 9800, 9802, 9805 & 9808 of 2020

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Government of Kerala, Secretariat, Thiruvananthapuram,
Thiruvananthapuram District, PIN 695 001.

6. The District Collector, Collectorate, Civil Lines Road, Kalyan Nagar,
Ayyanthole, Thrissur, Thrissur District-680 003.
7. The State Bank of India, East Nada Branch, Guruvayoor, Thrissur
District-680 101, represented by its Branch Manager.

SRI. T.K. VIPINDAS, SC, GURUVAYUR DEVASWOM BOARD
SRI. BIMAL K. NATH, SR. GOVERNMENT PLEADER

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Before

THE HON'BLE MR. JUSTICE SHAJI P. CHALY

&

THE HON'BLE MRS. JUSTICE M.R. ANITHA

Friday, the 8th day of May, 2020/18th VAISAKHA, 1942

W.P.(C) No. 9802 of 2020

Petitioner:

Prasanna Kumar .P, Navaneetham, Naduvattom.P.O.,

Pallippad, Harippad.

BY ADV. SRI. R. KRISHNARAJ

Respondents:

1. State of Kerala,
Represented by its Secretary to Government
Department of Devaswom,
Kerala Government Secretariat,
Thiruvananthapuram.
2. Guruvayoor Devaswom Managing Committee,
Represented by its Administrator,
Guruvayoor.
3. Commissioner,
Guruvayoor Devaswom,
Guruvayoor.

W.P.(C) Nos. 9765, 9780, 9800, 9802, 9805 & 9808 of 2020

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SRI. T.K. VIPINDAS, SC, GURUVAYUR DEVASWOM BOARD
SRI. BIMAL K. NATH, SR. GOVERNMENT PLEADER

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THE HON'BLE MR. JUSTICE SHAJI P. CHALY

&

THE HON'BLE MRS. JUSTICE M.R. ANITHA

Friday, the 8th day of May, 2020/18th VAISAKHA, 1942

W.P.(C) No. 9805 of 2020

PETITIONER:

K.S.R.Menon, aged 66 years,
S/o Late G.K. Nair residing at: A1 A7,
Periyar Hermitage Companipadi,
Aluva, Ernakulam PIN - 683016, Kerala.

By Sri. V.Shyamohan

RESPONDENTS:

1. State of Kerala,
Represented by Chief Secretary,
Thiruvananthapuram,
Pin - 695 001.
2. Guruvayur Devaswom,
Represented by it's Administrator,
Sree Padmam, East Nada,
Guruvayur, Thrissur District,
PIN - 680 101.
3. Guruvayur Devaswom Managing Committee,
represented by it's Chairman,
Office of the Managing Committee,
Sree Padmam, East Nada,
Guruvayur, Thrissur District,
PIN - 680 101.
SRI. T.K. VIPINDAS, SC, GURUVAYUR DEVASWOM BOARD
SRI. BIMAL K. NATH, SR. GOVERNMENT PLEADER

W.P.(C) Nos. 9765, 9780, 9800, 9802, 9805 & 9808 of 2020

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

Before

THE HON'BLE MR. JUSTICE SHAJI P. CHALY

&

THE HON'BLE MRS. JUSTICE M.R. ANITHA

Friday, the 8th day of May, 2020/18th VAISAKHA, 1942

W.P.(C) No. 9808 of 2020

Petitioner:

Pradeep R.S @ Hari Palod, aged 43 years, S/o Raveendran Nair, Rohini Plavara House, Palode, Nanniyod P.O, Nedumangad, Thiruvananthapuram – 695 562.

By Adv. Vishnu Prasad Nair

Respondents:

1. State of Kerala represented by the Secretary to Government, Department of Devaswom, Government of Kerala, Secretariat, Thiruvananthapuram – 695 001.
2. The Chief Secretary to Government, Government of Kerala, Secretariat, Thiruvananthapuram – 695 001.
3. Guvayoor Devaswom Managing Committee represented through Administrator, Guruvayoor Devaswom, Guruvayoor PO, Thrissur District – 680101.
4. The Administrator, Guruvayoor Devaswom Guruvayoor PO, Thrissur – 680101.
5. The Chairman, Guruvayoor Devaswom Managing Committee, Guruvayoor Devaswom Guruvayoor PO, Thrissur District – 680101.
6. The Commissioner, Guruvayoor Devaswom, Guruvayoor PO, Thrissur District – 680 101.

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7. The District Collector, Office of the District Collector, Collectorate, Thrissur – 680 003.

SRI. T.K. VIPINDAS, SC, GURUVAYUR DEVASWOM BOARD
SRI. BIMAL K. NATH, SR. GOVERNMENT PLEADER

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SHAJI P. CHALY & M.R. ANITHA, JJ.

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W.P.(C) Nos. 9765, 9780, 9800, 9802, 9805 & 9808 of 2020

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Dated this the 8th day of May, 2020

ORDER

SHAJI P. CHALY, J

These writ petitions are Public Interest Litigations filed by Hindu devotees against the donation of an amount of Rs.5 crores made by the Committee of the Guruvayoor Devaswom functioning under the Guruvayoor Devaswom Act, 1978 ('the Act, 1978' for brevity) to the Chief Minister's Distress Relief Fund on 05.05.2020.

2. Learned Senior Government Pleader takes notice for the State and the learned Standing Counsel takes notice for other respondents and seeks time to file counter affidavit.

3. The basic contention advanced by the petitioners are relying upon Sections 11, 12 and 27 of Act, 1978 and submits that the Committee has no power to divert the fund of the Devaswom other than for religious activities of Sreekrishna Temple, Guruvayoor. In fact, the said issue was considered by a Division Bench of this Court in **C.K. Rajan v. State** (AIR 1994 Kerala 179), in

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which it was held that the Managing Committee has no case that the payments will come within the provisions of Section 21 of Act, 1978 though the payments may be to very laudable purposes; but had to consider whether the payments made by the statutory authority i.e the Managing Committee are in accordance with law. Thereupon, it was held that Section 27 of the Act does not authorize the Managing Committee to make payments and accordingly found that the donation made to the Chief Minister's Relief Fund amounting to Rs.5 lakhs and payment made to other organisations were unauthorised and thereupon directed to take appropriate steps to realise loss that has resulted to the Guruvayoor Devaswom by such payments. The said judgment was upheld by the Apex Court in ***Guruvayoor Devaswom Managing Committee v. Rajan*** 2003(3) KLT 618 (SC). However, without taking note of the judgment in *C.K Rajan* (supra), recently a Division Bench of this Court in its judgment in W.P.(C) No. 19035 of 2019 dated 25.07.2019, considered the matter with respect to the donation of Rs.5 crores made to the Chief Minister's Distress Relief Fund apparently during the flood of 2019 and held that the Managing

Committee of the Devaswom may, after making adequate provision for the purposes referred to in sub-Section (2) of Section 21 incur expenditure out of the funds for all or any of the purposes mentioned under clauses (a) to (g) therein and the provisions under Section 27 would not be understood to carry an interdiction so as to invalidate the action in making donation to the Chief Minister's Distress Relief Fund in the circumstances that led to make the donation in question. Anyhow, the conflict in the judgments as referred to above was brought to the notice of a learned Division Bench of this Court in W.P.(C) No. 20495 of 2019, which was a connected writ petition concerning the latter judgment of the Division Bench specified above and thereupon, the Division Bench has referred the matter for consideration of a larger Bench as per its order dated 24.09.2019, doubting the correctness of the Division Bench in *C.K. Rajan* (supra).

4. Learned Standing Counsel for the Guruvayoor Devaswom submitted that there is no intention for the Managing Committee of the Devaswom to donate any further amount to the Chief Minister's Distress Relief Fund for the time being. The said submission is

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recorded.

In that view of the matter, we are of the considered opinion that all the writ petitions are to be heard along with the referred matter. Therefore, the registry is directed to place the writ petitions before Hon'ble the Chief Justice for appropriate orders. Needless to say, the donation given will be subject to the result of these writ petitions.

SHAJI P. CHALY, JUDGE.

M.R. ANITHA, JUDGE.

Rv