
(2022) 11 KL CK 0271
In the High Court Of Kerala
Case No : Writ Petition (C) No. 37496 Of 2022

Balu Kenath

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 23-11-2022

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2022) 11 KL CK 0271

Hon'ble Judges : Anil K. Narendran, J;P.G. Ajithkumar, J

Bench : Division Bench

Advocate : Kaleeswaram Raj, Thulasi K. Raj, Shilpa Soman

Final Decision : Disposed Of

Judgement

Anil K. Narendran, J.

1. The petitioners, who are the devotees of Sree Manappulli Bhagavathi of Sree Manappullikkavu Bhagavathi Temple, Kizhakke Yakkara in Palakkad District, which is a controlled institution under the 6th respondent Malabar Devaswom Board, has filed this writ petition under Article 226 of the Constitution of India seeking a writ of certiorari to quash Ext.P11 notification dated 19.11.2022 issued by the 3rd respondent Assistant Commissioner, Malabar Devaswom Board, Palakkad Division, whereby a meeting has been scheduled on 24.11.2022 to form a Vela Committee to conduct Vela festival in Sree Manappullikkavu Bhagavathi Temple for the year 2023. The petitioners have also sought for other consequential reliefs.

2. On 22.11.2022, when this writ petition came up for admission, we have issued notice on admission by special messenger to the 5th respondent. The learned Senior Government Pleader took notice for the 1st respondent and the learned Standing Counsel for Malabar Devaswom Board took notice for respondents 2 to 4 and 6.

3. Heard the learned counsel for the petitioner, the learned Senior

Government Pleader for the 1st respondent and additional 7th respondent, learned Standing Counsel for Malabar Devaswom Board for respondents 2 to 4 and 6 and Adv.Sri.K.Mohanakannan, learned counsel for the 5th respondent Executive Officer.

4. During the course of arguments, the learned counsel for the petitioners would submit that the petitioners have approached this Court in this writ petition seeking various reliefs, in order to ensure constitution of a proper Vela Committee to conduct Vela festival in Sree Manappullikkavu Bhagavathi Temple for the year 2023.

5. The learned Standing Counsel for Malabar Devaswom Board and also the learned counsel for the 5th respondent Executive Officer would submit that the constitution of Vela Committee pursuant to Ext.P11 notification dated 19.11.2022 shall be made strictly in terms of Ext.P7 order dated 18.01.2019, which stands modified to certain extent by Ext.P8 order dated 27.11.2019, incorporating certain additional conditions in the constitution of Vela Committee.

6. In *K. Chathu Achan v. State of Kerala and others* [ILR 2022 (4) Kerala 199] in the context of notification issued by the Commissioner, Malabar Devaswom Board, in the matter of selection of non-hereditary trustees in temples which are controlled institutions under the Malabar Devaswom Board, this Court held that for appointment as non-hereditary trustee of the temple, the applicant should be a regular worshipper of the temple, who is prepared to actively work for the betterment of the temple. Persons who are busy with their employment, office bearers of political parties, active politicians or those indulging in active participation in the activities of a political party cannot aspire appointment as non-hereditary trustee of the temple.

7. From the materials on record and also the submissions made by the learned counsel on both sides, we notice that the formation of Vela Committee to conduct Vela festival in Sree Manappullikkavu Bhagavathi Temple during previous years had resulted in law and order issues. It is for that reason, the petitioners have approached this Court in this writ petition, seeking various reliefs.

8. The criteria laid down by this Court in *K. Chathu Achan* [ILR 2022 (4) Kerala 199] in the matter of selection of non-hereditary trustees in controlled institutions under the Malabar Devaswom Board can be made applicable to the constitution of Vela Committee in connection with Vela festival in Sree Manappullikkavu Bhagavathi Temple, in terms of Ext.P11 notification dated 19.11.2022, in view of the conditions stipulated in Ext.P7 Government order dated 18.11.2019, which stands modified to certain extent by Ext.P8 order dated 27.11.2019 incorporating certain additional conditions.

9. The learned Senior Government Pleader, on instructions from the additional 7th respondent District Police Chief would submit that, at present there is no law and order situation in the locality and the Police shall maintain law and order on 24.11.2022, in connection with constitution of Vela Committee.

10. In such circumstances, this writ petition is disposed of by directing the 3rd respondent Assistant Commissioner to proceed with the meeting scheduled on 24.11.2022 at 11:00 a.m. for the formation of Vela Committee in connection with Vela festival in Sree Manappullikkavu Bhagavathi Temple for the year 2023. The persons elected as members of the Vela Committee shall be regular worshippers of the temple, who are prepared to actively work for the betterment of the temple. Persons who are busy with their employment, office bearers of political parties, active politicians or those indulging in active participation in the activities of a political party cannot aspire membership in the Vela Committee. The 3rd respondent Assistant Commissioner shall get a declaration from the persons so elected, in the form of an affidavit, on the above aspect.

11. The additional 7th respondent District Police Chief shall take necessary steps to ensure that there is no law and order issues in connection with the meeting scheduled to be held on 24.11.2022 for constituting the Vela Committee.

All other reliefs sought for in this writ petition are left open.