

(2011) 06 KL CK 0020

In the High Court Of Kerala

Case No : Writ Petition (C) No. 14743 of 2011

Gopakumar K.

APPELLANT

Vs

The Guruvayoor Devaswom Managing Committee and Others

RESPONDENT

Date of Decision : 01-06-2011

Acts Referred:

Citation : (2011) 3 KLJ 69 : (2011) 3 KLT 7 : (2011) 8 RCR(Civil) 1435

Hon'ble Judges : Thottathil B. Radhakrishnan, J;S.S. Satheesachandran, J

Bench : Division Bench

Advocate : P.T. Dinesh and P. Santhosh, for the Appellant;

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—Petitioner participated in an auction proceedings, for which Ext.P1 is a tender notice. According to the petitioner, he is the second highest bidder. He impeaches the eligibility of the 5th respondent, which is the highest bidder to get the contract. Ext.P1 is an invitation of tenders in connection with the running of footwear counters in the East and West Nadas and cloak room in the East Nada of Guruvayoor Temple for a period of 12 months. The aim is that footwear counters and cloak rooms are available for the benefit of devotees for safe keeping of foot wears, mobile phones, cameras etc. Indisputably, these structures provide the service of footwear counters and cloak rooms outside the premises of Guruvayoor Temple encircled by a compound wall into which, entry of non-Hindus is prohibited. There is prohibition to use foot wears inside such premises of the Temple. Therefore, the devotees will have to leave their foot wears outside. Equally, they may be carrying with them belongings, which are not permitted into the Guruvayoor Temple for different reasons including security. Therefore, those belongings are also have to be kept safely.

2. While the petitioner says that the 5th respondent, being a Co-operative Society, cannot be granted the contract to run the footwear counters and cloak

rooms, we see from Ext.P1 invitation of tenders that tenders were invited from

.We understand the said provision as inviting tenders from Hindu individuals, institutions and social welfare organizations. There is no challenge against Ext.P1 May be, if a comma, each, was provided after the phrases

, there could not have been any argument at all on behalf of the petitioner that the identity of the establishments and social welfare organizations have also to be with reference to the concept of one being a "Hindu". Such an argument does not lie in law because it is trite, as is discernible even from different legislations applicable to Hindus, is that such laws applies to any person, who is a Hindu by religion in any of its form.... The inclusiveness of such definition takes in children, legitimate or illegitimate. Obviously, all these would apply only to natural persons and not juristic persons. Not only that, even as pointed by the petitioner, going by the terms of the Guruvayoor Devaswom Act, 1978, persons, who get involved in the administration of Guruvayoor Temple and its affairs even through the Government, have to be Hindus and have faith in Hindu religion. Faith is essentially an element of mind. To say that a Co-operative society or any other institution should have faith in a particular religion, is to search for an umbilical relation for such an organization with religion and faith, which can never be traced on the basis of any branch of science or philosophy. To put it shortly, the identity of any institution or social welfare organization on the basis whether its members are Hindus is wholly irrelevant on the clear terms of Ext.P1, which is not under challenge. Not only that, preserving slippers or other personal articles of a devotee when he visits the temple and keeping it in safe custody does not form part of rituals or other activities in connection with the temple. In this view of the matter also, the petitioner cannot be aggrieved of any interference with matters affecting religion and faith. For the aforesaid reasons, we do not find any merit in this writ petition. It fails and is accordingly dismissed in limine.