

(2016) 02 KL CK 0094

In the High Court Of Kerala

Case No : Rev. P. No. 854 of 2015 and C.R.P. No. 141 of 2015

Guruvayur Devaswom Managing Committee

APPELLANT

Vs

Sathyan

RESPONDENT

Date of Decision : 16-02-2016

Acts Referred:

Guruvayoor Devaswom Act, 1978 — Section 11, Section 2(d), Section 2(i), Section 21

Citation : (2016) AIRCC 1618 : (2016) 2 KHC 29 : (2016) 2 KLT 109

Hon'ble Judges : B. Kemal Pasha, J.

Bench : Single Bench

Advocate : P. Gopal, Standing Counsel, for the Appellant;

Final Decision : Dismissed

Judgement

B. Kemal Pasha, J.—1. Heard Sri P. Gopal, the learned Standing Counsel for the Review Petitioner, Guruvayur Devaswom Managing Committee and the learned counsel for the respondents. According to the learned Standing Counsel for the Review Petitioner, the "Court", defined in Section 2(d) of the Guruvayoor Devaswom Act, 1978, means:

"the District Court having jurisdiction over the area in which the Temple is situated."

Therefore, the suit in question ought to have been filed before the District Court, Thrissur.

2. The incident involved in the case had occurred at the premises of Puthalath Ayyappa Kshethram at Vadanappalli, which is far away from the Guruvayoor Temple, when an elephant belongs to the Guruvayur Devaswom brought to that temple for the festival ran amok.

3. According to the learned Standing Counsel for the Review Petitioner, this Court has not considered the decisions in Vasudevan Namboodiri v. Parameswaran Namboodiripad , 2014 (3) KHC 345 : 2014 (3) KLT 386 : ILR 2014 (3) Ker. 589 :

AIR 2014 Ker. 190 and also in Pandit v. Sree Krishna Swamy Devaswom , 2015 (3) KHC 895 : 2015 (3) KLT 628 : 2015 (3) KLJ 401 : ILR 2015 (4) Ker. 821 while passing the order.

4. In Vasudevan Namboodiri (Supra) the question that was considered was with regard to the appointment of Melsanthi at the Sree Krishna Temple at Guruvayoor. Definitely in such a case, the matter has to be governed by the provisions of Guruvayoor Devaswom Act, 1978, since the question involved therein was clearly with regard to the administration of the Guruvayoor Temple. In such case, the definition of "Court" in the Act had to be adhered to.

5. With regard to Pandit (Supra), it has to be noted that the question involved was with regard to the entitlement of the plaintiffs to manage and administer a temple coming under the Cochin Devaswom Board, as Trustees. In that context also it was held that the Court, as mentioned in the said Act, has to be treated as the Court having jurisdiction to decide the matter.

6. Apart from all the above, from the Preamble of the Guruvayoor Devaswom Act, 1978, it is very clear that the said enactment had to be brought for the administration and management of the Guruvayoor Temple and its properties as the properties were being substantially deteriorated. It was in such a situation, the said Act had to be enacted.

7. On going through the entire scheme of the Act, it seems that it entirely deals with the details of the management and administration of the temple and its properties. In order to protect the properties of the Guruvayoor Devaswom, Section 11 has also been incorporated. Chapter III deals with the appointment of administrator. Subsequent provisions deals with the powers and duties of the administrator, appointment of officers and employees etc. Section 21 deals with budget. Therefore, on going through the entire Act, it seems that the Act was enacted for bringing specific provisions for the proper administration and management of the Guruvayoor Devaswom, the temple as well as its properties.

8. On going through the definition of Court, in Section 2(d) of the Act, it seems that it is the District Court having jurisdiction over the area in which the temple is situated. The "Temple" is defined in Section 2(i) as;

"Temple" means the Sree Krishna Temple at Guruvayoor"

At any stretch of imagination, it cannot be said that the incident in question had occurred at the Sree Krishna Temple, Guruvayoor. The definition in Section 2(d) also makes it clear that it is meant for the area in which the Sree Krishna Temple, Guruvayoor is situated. Here in this case, when the incident had occurred far away from the Guruvayoor Temple and had occurred at the premises of another temple at Vadanappalli, it cannot be said that the Court to deal with the matter, is the Court specified in Section 2(d) of the Guruvayoor Devaswom Act. Matters being so, there is absolutely nothing to interfere with the order passed by this Court and therefore, the Review Petition fails.

In the result, this Review Petition is dismissed.