
(2018) 02 KL CK 0032
In the High Court Of Kerala
Case No : 3568 of 2018

LEKSHMI & ORS.

APPELLANT

Vs

DIRECTOR GENERAL OF POLICE & ORS.

RESPONDENT

Date of Decision : 01-02-2018

Acts Referred:

Citation : (2018) 02 KL CK 0032

Hon'ble Judges : K.Vinod Chandran, Ashok Menon

Bench : Division Bench

Advocate : P.ANOOP, P.P.THAJUDHEEN

Final Decision : Disposed off

Judgement

1. The petitioners 1 to 4 are mother and children, while 5th petitioner is the daughter-in-law of 1st petitioner. 11.33 acres of property with a

"Kavu" and other structures known as "Elambrakodu Chavaru Moorthi Devi Kavu" originally belonged to Ayyappan, the husband of the 1st

petitioner by virtue of settlement deed of 1974 executed by his father Konnan. Father of the said Konnan was the "Karmi" (Oorali) of the Kavu.

Poojas in the Kavu has to be performed by the male family members, who got the right to do so by way of inheritance. It is stated that the rituals in

the Kavu are different from other Hindu Temples. There is no "Sreekovil" or a Priest and the rituals performed at the Kavu is in accordance with

the dictates of the Oorali as and when he becomes the "Velichapadu" (Oracle). Consequent on the death of his father Ayyappan, the position of

Oorali devolved upon the 3rd petitioner. Respondents 4 to 11 belong to Hindu Nair community, who are against the rituals performed in the Kavu

by the petitioners. In the year 2002, a dispute regarding the Kavu led to a

communal tension. Taking advantage of the educational backwardness of the petitioners, respondents 4 to 11 attempted to grab the Kavu and its properties. A committee has been constituted by the party respondents ostensibly to protect the Kavu from the Muslim community. But under that garb of protecting the Kavu, they are harassing the petitioners. The party respondents are also illegally receiving donations from the devotees and misappropriating it. When questioned, the 4th respondent intimidated the 3rd petitioner. Complaints were filed before the police authorities as Exts.P1 and P3. But no action has been taken so far and hence the petitioners were forced to approach this Court seeking police protection to perform their rituals in the Kavu and abate the nuisance and harassment caused by the party respondents.

2. We heard the learned Senior Government Pleader appearing for respondents 1 to 3, and the learned Counsel for the petitioner. Documents perused.

3. The main dispute between the petitioners and the party respondents is regarding the administration of a Kavu, which the petitioners claim to be theirs which is allegedly questioned by the party respondents. The right of administration of the Kavu is a civil dispute required to be determined by a civil court of competent jurisdiction. This Court cannot, by exercising the extraordinary jurisdiction of a writ, interfere in such a civil dispute. It will not also be appropriate to engage the police to resolve such disputes, being purely civil in nature. Hence, we do not find it appropriate to issue any positive direction to the police. However, in case there is any law and order issue and if a complaint regarding any cognizable offence is made to the 3rd respondent, he shall proceed in accordance with law, even without there being any specific direction in this regard from this Court. With these observations, the petition is closed. No costs.