
(2010) 11 KL CK 0195
In the High Court Of Kerala
Case No : WA. No. 1962 of 2010

Sree Kodikat Bhagavathy Devaswom	Vs	APPELLANT
State of Kerala and Others		RESPONDENT

Date of Decision : 22-11-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 11 KL CK 0195

Hon'ble Judges : Jasti Chelameswar, C.J;P.R. Ramachandra Menon, J

Bench : Division Bench

Advocate : T. Krishnan, Unni SR, for the Appellant; Mohanakannan, SC and Malbar Devaswom, for the Respondent

Final Decision : Dismissed

Judgement

Chelameswar, C. J.

1. Aggrieved by judgment dated 23rd September, 2010 in W.P.(C) No. 31936 of 2004, the unsuccessful Petitioner therein preferred the instant writ appeal.
2. The Appellant is a devaswom represented by its hereditary trustee. Respondents 4 to 9 are the employees of the Appellant devaswom appointed by one of the predecessors of the present hereditary trustee. The present hereditary trustee on the assumption of office opined that the appointments of Respondents 4 to 9 are not justified in view of the financial condition of the devaswom. Therefore, he initiated proceedings for termination of their service. Aggrieved by such proceedings, those Respondents carried the matter in appeal u/s 49(2) of the Madras Hindu Religious and Charitable Endowments Act, 1951. The Deputy Commissioner/appellate authority set aside the action of the Appellant herein. Aggrieved by the same the Appellant herein carried the matter in appeal before the Commissioner purportedly under Sub-section (3) of Section 49 of the above mentioned Act. Though we have serious doubts about the maintainability of such an appeal at the instance of the present Appellant, we do not propose to make

any final pronouncement on the issue as it is irrelevant for the purpose of the present case. Even in the second appellate stage, the Appellant herein was not successful and therefore he carried the matter before the Government in revision u/s 99 of the above mentioned Act unsuccessfully. Therefore, the present Appellant approached this Court by way of W.P.(C) No. 31936 of 2004 challenging the above mentioned decision of the Government in Ext.P11.

3. By the judgment under appeal, a learned Judge of this Court dismissed the writ petition and hence this appeal.

4. A valiant effort is made by the learned senior counsel Sri.T. Krishnanunni seeking a re-appreciation of the factual dispute on the financial condition of the temple justifying the appointment of Respondents 4 to 9. Three statutory bodies consistently held against the Appellant herein fortified by the decision of a learned Judge of this Court by way of judicial review holding that the impugned decision does not call for any interference in exercise of the jurisdiction under Article 226 of the Constitution of India. We do not see any reason to take a different view from the opinion expressed by the judgment under appeal.

We do not see any merit in the appeal. The writ appeal is dismissed at the admission stage.