

(2015) 08 KL CK 0118

In the High Court Of Kerala

Case No : Writ Petition (C). No. 20191 of 2015 (Y)

Sree Panimoola Devi Temple

APPELLANT

Vs

The Superintendent of Police (Rural) and Others

RESPONDENT

Date of Decision : 10-08-2015

Acts Referred:

Citation : (2015) 08 KL CK 0118

Hon'ble Judges : Ashok Bhushan, C.J;A.M. Shaffique, J

Bench : Division Bench

Advocate : M. Ramesh Chander, Senior Advocate, V.K. Sathyanathan, Aneesh Joseph and Dennis Varghese, for the Appellant

Final Decision : Disposed off

Judgement

A.M. Shaffique, J—This writ petition has been filed inter alia seeking for the following relief:-

"Issue a writ of mandamus commanding respondents 1 to 4 to grant sufficient and adequate police protection to Sree Panimoola Devi Temple, Andoorkonam, Pothencode, for its proper administration and for the free ingress and egress of the committee members, devotees and to the employees and also direct respondents 1 to 4 to maintain law and order within the premises of the Sree Panimoola Devi Temple, Andoorkonam, Pothencode."

The petitioner is a temple and it is stated that it belongs to seven ancient Joint Hindu Nair families. The character of the temple has been finally decided by the Apex Court as per judgment dated 25.11.2014 in Civil Appeal No. 10556 of 2014. This writ petition has been filed by the Secretary of the Ad hoc Committee inter alia contending that during the pendency of the lis, an Ad hoc Committee has been constituted and they are managing the affairs of the temple. In the mean time, obstructions are being caused by private respondents in the management of the temple, which has led to law and order situation. Though the petitioner had approached the police seeking for appropriate protection in the

matter relating to conduct of the affairs of the temple as well as the festivals being conducted, no action has been taken in the matter and therefore, the petitioner has approached this Court.

2. It is submitted that earlier, the members of the family had approached this Court by filing W.P.(C) No. 33609 of 2014, in which, police protection has been sought for and this Court, by judgment dated 14.1.2015, directed the parties to approach the civil court for change in management.

3. Having regard to the aforesaid factual situation, the petitioner submits that unless appropriate police protection is granted in the matter, the devotees and other persons coming to offer prayers, attend the rituals and festivals being conducted by the temple are substantially affected.

4. Counter affidavit has been filed by the 6th respondent on behalf of respondents 5 and 7 to 12 inter alia stating that the petitioner has no right to invoke the jurisdiction of this Court seeking for police protection. It is stated that the person who had filed the writ petition on behalf of the temple was only an office bearer of the Ad hoc Committee. It is contended that during the pendency of the lis, after the disposal of the case by the Supreme Court, the said Ad hoc Committee has no relevance and only the said seven families and their members have right to administer the temple. It is further stated that members of the family had decided to form a trust and a trust deed has been prepared and they alone has the right to manage the affairs of the temple. It is also brought to the notice of this Court that two suits are pending before the civil court in the matter relating to aforesaid temple. O.S. No. 115 of 2015 has been filed by the petitioner seeking for preparation of bye-law for the temple, in which, a counter claim has been filed by the respondents seeking for an injunction to restrain the petitioner from managing the affairs of the temple. Similarly, another suit, O.S. No. 14 of 2015, has been filed by certain members of the family, which is also pending consideration.

5. Having regard to the aforesaid factual situation, the contention urged by the learned counsel for the respondents is that the petitioner has no right to seek for police protection and he has no right to manage the affairs of the temple.

6. Learned counsel appearing for additional respondents, who are impleaded in the case, submits that certain persons are creating obstruction inside the temple, who have no connection whatsoever with the seven families or the Ad hoc Committee. In the light of the law and order situation occurring inside the temple premises, it is for the police to ensure maintenance of law and order.

7. Having heard the learned counsel for the petitioner and the learned counsel appearing for the respondents, we are of the view that the issue projected absolutely relates to management of the temple, which cannot be resolved by the police. The person, who has approached this Court is the Secretary of the Ad hoc Committee, whose right to manage the temple itself is in question. Such issues can be resolved in the pending civil suit, especially, when all the parties

are before the Civil Court. It is open for the parties to approach the civil court and get adjudication of their civil rights. The police cannot interfere in adjudication of civil rights, which is pending between the parties. The police can interfere only if there is any law and order situation and no such situation has arisen so far, as matter stands now. However, we only observe that if there is any offence committed or attempt to commit offence, it shall be open for the persons in connection with the temple to approach the police, who shall look into the matter and do the needful. However, we do not think that any direction as sought for can be granted. It shall be open for the petitioner or any other person interested in the matter to approach the civil court and obtain appropriate orders.

This writ petition is disposed of as above.