



WP(C) No. 14924 of 2017

2026:KER:61483

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

MONDAY, THE 10TH DAY OF AUGUST 2026 / 19TH SRAVANA, 1948

WP(C) NO. 14924 OF 2017

PETITIONERS:

ERNAKULAM THIRUMALA DEVASWOM, TD ROAD, ERNAKULAM,
REP BY ITS COMMITTEE MEMBERS

- 1 * (P1 TO P5 SUBSTITUTED)
 P. RANGADASA PRABHU
 S/O.LATE PADMANABHA PRABHU, AGED 68 YEARS,
 MANAGING ADHIKARI NO.1, THE ERNAKULAM THIRUMALA
 DEVASWOM, PUNJABJAPURAM, THIRUMALA DEVASWOM
 BOARD, ERNAKULAM, KOCHI-682035, AND RESIDING AT
 SREERANGA NIVAS', T.D.WEST ROAD,
 ERNAKULAM, KOCHI-35.
- 2 K.J.RADHAKRISHNAN KAMATH
 S/O LATE JANARDHANA KAMATH, AGED 70 YEARS,
 MANAGING ADHIKARI NO.2, THE ERNAKULAM THIRUMALA
 DEVASWOM, PUNJABJAPURAM, THIRUMALA DEVASWOM
 BOARD, ERNAKULAM, KOCHI-682035 AND RESIDING AT
 DR.R.S.KAMATH LANE, T D ROAD, KOCHI-682035,
 ERNAKULAM VILLAGE, KANAYANNUR TALUK,
 ERNAKULAM DISTRICT.
- 3 P.S.JAYAPRAKASH PRABU
 S/O.LATE SREENIVASA PRABHU, AGED 70 YEARS,
 MANAGING COMMITTEE MEMBER, THE ERNAKULAM
 THIRUMALA DEVASWOM, PUNJABJAPURAM, THIRUMALA



DEVASWOM ROAD, ERNAKULAM, KOCHI-682035 AND
RESIDING AT "SREENIVASA ENCLAVE" T D EAST
SANNIDHI ROAD, KOCHI-682035, ERNAKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.

4 T.G.RAJARAM SHENOY
S/O. LATE GOVINDA SHENOY, AGED 45 YEARS, MANAGING
COMMITTEE MEMBER, THE ERNAKULAM THIRUMALA
DEVASWOM, PUNJABJAPURAM, THIRUMALA DEVASWOM ROAD,
ERNAKULAM, KOCHI-682035 AND RESIDING AT
"RADHE SHYAM" T D EAST SANNIDHI ROAD,
KOCHI-682035, ERNAKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.

5 RAMA NARAYANA PRABU
S/O A.RAMA PRABHU, AGED 48 YEARS,
MANAGING COMMITTEE MEMBER, THE ERNAKULAM
THIRUMALA DEVASWOM, PUNJABJAPURAM, THIRUMALA
DEVASWOM ROAD, ERNAKULAM, KOCHI-682035 AND
RESIDING AT "AYODHYA", JEW STREET,
KOCHI-682035, ERNAKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.

*P1 TO P5 SUBSTITUTED BY NEW COMMITTEE MEMBERS AS
FOLLOWS:-

6 ADDL. P6. R.SREEKUMAR KAMATH
S/O. LATE RAVINDRA KAMATH, AGED 59,
RESIDING AT GOURAGHAR, GOPALA PRABHU ROAD,
ERNAKULAM, KOCHI -682035.

7 ADDL.P7. N.NAVEEN KAMATH
AGED 46, S/O. K.J.RADHAKRISHNA KAMATH, RESIDING
AT THERUVILPARAMBIL HOUSE, R.S.KAMATH LANE,
T.D.ROAD, KOCHI-682035.

8 ADDL.P8. T.G.RAJARAM SHENOY
S/O. LATE GOVINDA SHENOY, AGED 50 YEARS, RESIDING
AT "RADHYE SHYAM" T D EAST SANNIDHI ROAD, KOCHI
682 035, ERNAKULAM VILLAGE , KANAYANNUR TALUK,



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ERNAKULAM DISTRICT.

- 9 ADDL.P9. T.V.RAJESH SHENOY
AGED 53, S/O. LATE TMV SHENOY, "SATHYABHAMA",
MAHAKAVI BHARATHIAR ROAD, KOCHI- 35.
- 10 ADDL. P10:- RAMA NARAYANA PRABHU
S/O. A. RAMA PRABHU, AGED 50, RESIDING AT
"AYODHYA" JEW STREET, KOCHI-682 035, ERNAKULAM
VILLAGE, KANAYANNUR TALUK, ERNAKULAM DISTRICT.

[FORMER COMMITTEE MEMBERS P1 TO P5 SUBSTITUTED BY
NEW COMMITTEE MEMBERS ADDL. P6 TO ADDL. P10 AS
PER ORDER DATED 11.10.2022 IN I.A. 1/2022 IN WPC
14924/2017.]

BY ADVS.
SRI.R.D.SHENOY (SR.)
SRI.M.ASHOK KINI
SMT.R.RANJANIE
SRI.R.LAKSHMI NARAYAN (SR.)

RESPONDENTS:

- 1 THE COCHIN DEVASWOM BOARD
REPRESENTED BY SECRETARY,THRISSUR-680001.
- 2 SPECIAL COMMISSIONER OF COCHIN DEVASWOM BOARD
THRISSUR-680001.
- 3 DEPUTY SECRETARY
COCHIN DEVASWOM BOARD,THRISSUR-680001.
- 4 STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
REVENUE(DEVASWOM) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM-695001.



- 5 N.K.PRAHAKRA NAIK
 S/O.KRISHNA NAIK,AGED 65 YEARS, NUDUMPULLISSERY
 PARAMBIL, GOPALA PRABHU ROAD, ERNAKULAM-682035.

- 6 V.SIVANANDA BHAT
 S/O LATE VENUGOPAL BHAT, AGED ABOUT 75,
 'SIVASEEMA', JEW STREET, NEAR FLOWER JUNCTION,
 ERNAKULAM-682035.

- 7 V.RAJKUMAR KAMATH
 S/O A.V.KAMATH,AGED ABOUT 60,HOUSE NO.40/7183,
 TD ROAD,ERNAKULAM-682035.

BY ADVS.

SRI. K.P.SUDHEER, SC, COCHIN DEVASWOM BOARD

SRI. K.R. SUNIL, SPL. GP (DEVASWOM)

MS.JENCY SUSAN JOSE

SHRI.O.V.MANIPRASAD

SRI.V.SRI NATH

SRI.K.R.VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10.08.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**JUDGMENT****Raja Vijayaraghavan V, J.**

The above-captioned Writ Petition has been filed by the Ernakulam Tirumala Devaswom, a denominational temple belonging to the Gowda Saraswath Brahmin Community.

2. The principal grievance of the petitioner is directed against Ext. P15 dated 28.02.2017 issued by the Deputy Secretary of the Cochin Devaswom Board to the Managing Adhikari of the petitioner Devaswom. By the said communication, the petitioner was informed that the Deputy Secretary had been deputed to conduct a statutory enquiry under the Travancore Cochin Hindu Religious Institutions Act, 1950 (hereinafter referred to as "the Act"), pursuant to the decision of the Board dated 16.02.2017. The communication further informed the petitioner that the enquiry would be conducted at the Devaswom office on 09.03.2017 and directed the Managing Adhikari to keep all the relevant records ready for inspection.

3. The petitioner has also challenged Ext. P20 order bearing No. E.15337/2014 dated 21.02.2017 issued by the Cochin Devaswom Board, whereby the petitioner was informed that the Board had decided to initiate proceedings for taking over the management of the petitioner institution, after



conducting a statutory enquiry pursuant to the Board's decision dated 16.02.2017. In addition to the prayers seeking to quash Exts. P15 and P20, the petitioner has also sought a declaration that the proceedings initiated by the first respondent are unconstitutional, arbitrary and unsustainable in law.

4. In the counter affidavit filed on behalf of the Cochin Devaswom Board, it is stated that the learned Ombudsman for the Travancore and Cochin Devaswom Boards had submitted Ext. P11 report, wherein it was observed that there was no illegality or arbitrariness in the issuance of Exts. P15 and P20. The allegation that the impugned proceedings were initiated on account of extraneous political considerations has been specifically denied. It is further stated that a complaint had been submitted before the Hon'ble Chief Minister of Kerala by a group of persons. The said complaint was forwarded to the Additional Secretary, Revenue (Devaswom) Department, who in turn forwarded it to the Cochin Devaswom Board for appropriate action. It is pursuant to the said complaint and the consequential proceedings that Exts. P15 and P20 came to be issued.

5. We have heard the learned counsel appearing for the petitioners, the learned Standing Counsel appearing for the Cochin Devaswom Board and have carefully perused the pleadings and the materials placed on record.

6. The main grievance of the petitioner arises from the recital



contained in Exts. P15 and P20 that the Cochin Devaswom Board had initiated proceedings under Chapter X of the Act for the assumption of the management of the petitioner institution. According to the learned Standing Counsel appearing for the Cochin Devaswom Board, the communications came to be issued at the relevant point of time on the basis of the complaint forwarded from the office of the Hon'ble Chief Minister and the consequential directions issued by the competent authorities. It is submitted that the communications were issued in the peculiar facts and circumstances then prevailing and were not intended to convey that the Board had taken a final decision to assume the management of the petitioner institution.

7. The learned Standing Counsel further submitted that, as early as on 21.04.2017, the President of the Cochin Devaswom Board had issued Ext. P21 public notice clarifying that the Board had no intention of assuming the management of any institution by invoking the powers under Sections 98 and 99 of the Act. It was reiterated before us that the reference in Exts. P15 and P20 regarding the assumption of management reflected the position prevailing at that point of time and that the Board does not presently intend to invoke the powers under Sections 98 and 99 of the Act to assume the management of the petitioner Devaswom.

8. We have considered the above submissions. The power of the



Board to assume the management of an institution is not an unfettered one. Such power can be exercised only in the circumstances specifically contemplated under Sections 98A to 98E of the Act, and only after strict compliance with the statutory safeguards. Section 99 of the Act further contemplates the conduct of an enquiry before any such assumption of management. In the facts of the present case, it appears that Exts. P15 and P20 came to be issued without a proper appreciation of the scope and object of the provisions contained in Sections 98 and 99 of the Act. The mere use of the expression "assumption of management" in the impugned communications, without reference to the statutory prerequisites, was capable of creating a genuine apprehension in the mind of the petitioner that the Board had already decided to take over the management of the institution.

9. If the object of the Board was only to inquire into the affairs of the petitioner Devaswom, the Act itself provides an appropriate mechanism. Section 87 of the Act empowers the competent authority to conduct enquiries into the affairs of institutions in the manner prescribed therein. Therefore, if the intention was merely to hold an enquiry, recourse ought to have been taken to the appropriate statutory provision instead of issuing communications suggesting an impending assumption of management.

10. In view of the categorical statement made before us by the learned



Standing Counsel that the Cochin Devaswom Board does not propose to invoke the provisions of Sections 98 and 99 of the Act to assume the management of the petitioner institution, and having regard to the apprehension legitimately entertained by the petitioner on account of the language employed in Exts. P15 and P20, we are of the view that the ends of justice would be served by quashing the said communications.

11. It is made clear that, if the Cochin Devaswom Board proposes to initiate any proceedings against the petitioner in future, the same shall be strictly in accordance with the provisions of the Travancore Cochin Hindu Religious Institutions Act, 1950, after scrupulously adhering to the statutory procedure and the law laid down by this Court in the decisions governing the field.

The Writ Petition is disposed of accordingly.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

Sd/-

K. V. JAYAKUMAR

JUDGE

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APPENDIX OF WP(C) NO. 14924 OF 2017

PETITIONER EXHIBITS

EXT P1	THE PHOTOCOPY OF THE COMPLAINT DATED 5.10.2013
EXT.P2	THE PHOTOCOPY OF THE REPRESENTATION DATED 7.10.2013
EXT.P3	THE PHOTOCOPY OF THE FIR DATED 5.10.2013
EXT.P4	THE PHOTOCOPY OF THE ORDER DATED 25.10.2013
EXT.P5	THE PHOTOCOPY OF AGREEMENT/UNDERTAKING DATED 21.1.2014
EXT.P6	THE PHOTOCOPY OF REMAND REPORT DATED 28.02.2014
EXT.P7	THE PHOTOCOPY OF THE SAID REPRESENTATION 28.2.2014
EXT.P8	THE PHOTOCOPY OF PROCEEDINGS DATED 29.4.2014
EXT P9	THE PHOTOCOPY OF ORDER DATED 6.5.2014
EXH P10	THE PHOTOCOPY OF REPORT DATED 23.6.2014
EXT.P11	THE PHOTOCOPY OF FINAL REPORT DATED 29.10.2014 IN CDB NO.161/14
EXT P12	THE PHOTOCOPY OF JUDGMENT DT.4.9.2015, IN W.P(C)29268/14
EXT.P13	THE PHOTOCOPY OF ORDER DATED 02.12.2015 IN DBP 144/2014
EXT.P14	THE PHOTOCOPY OF STATEMENT FILED BY DYSP DATED 23.09.2016 IN W.P(C)28421/16 WITHOUT EXHIBITS
EXT.P15	THE PHOTOCOPY OF THE NOTICE DATED 28.2.2017
EXT.P16	THE PHOTOCOPY OF THE APPLICATION DATED 4.3.2017
EXT.P17	THE PHOTOCOPY OF THE COMMUNICATION DATED 4.4.2017
EXT.P18	THE PHOTOCOPY OF LETTER DATED 11.4.2017
EXT.P19	THE PHOTOCOPY OF THE REPRESENTATION



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DATED 12.09.2016

EXT.P20 THE PHOTOCOPY OF THE PROCEEDINGS DATED 21.2.2017

EXT.P21 TRUE PHOTOCOPY OF THE EXPLANATION DATED 21.4.2017

EXT.P22 THE PHOTOCOPY OF ORDER DATED 28.03.2017 IN WP(C) 38364/2016

EXT.P23 THE PHOTOCOPY OF ORDER DATED 3.6.2015 IN DBP NO.144/14

EXT.P24 THE PHOTOCOPY OF ORDER DATED 22.7.2015 IN DBP NO.144/14

EXT.P25 THE PHOTOCOPY OF ORDER DATED 17.08.2016 IN I.A.1818/16 IN DBP. NO.144/14.

EXT.P26 TRUE COPY OF THE REPORT OF THE ELECTION COMMISSION SRI.ADV.D.J.SURESH, THE FORMER JOINT REGISTRAR OF THIS HON'BLE COURT, REGARDING THE CONSTITUTION OF NEW MANAGING COMMITTEE OF THE PETITIONER DEVASWOM.

EXT.P27 THE TRUE COPY OF THE CERTIFICATE DATED 19/12/2021 ISSUED BY THE ELECTION COMMISSION, REGARDING THE ELECTION OF MANAGING ADIKARIES OF THE PETITIONER DEVASWOM.

EXT.P28 THE ORIGINAL BOOK IE. THE SCHEME FOR MANAGEMENT OF THE ERNAKULAM THIRUMALA DEVASWOM.

EXT.P29 THE TRUE COPY OF FINAL REPORT DATED 26/11/2019 OF THE LEARNED OMBUDSMAN IN DBAR NO.5/2018

RESPONDENT EXHIBITS

EXHIBIT R1 (a) A TRUE COPY OF DECISION NO. 15 DATED 16.02.2017 OF THE COCHIN DEVASWOM BOARD