

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

&

THE HONOURABLE MR.JUSTICE N.NAGARESH

Thursday, the 27th day of February 2020/8th Phalguna, 1941

WP(C) No.5770/2020(U)

PETITIONER:

RAJESH A NAIR,,AGED 43 YEARS  
S/O. RAMAN NAIR, AMMASOMVEETTIL HOUSE, PUNNAYOORKKULAM VILLAGE,  
ANDATHODE P.O, CHAVAKKAD TALUK, THRISSUR DISTRICT 679 564

RESPONDENTS:

1. THE GURUVAYOOR DEVASWOM MANAGING COMMITTEE,  
REPRESENTED BY ITS ADMINISTRATOR,  
GURUVAYOOR SRI KRISHNA TEMPLE, GURUVAYOOR 680 101
2. THE COMMISSIONER,  
GURUVAYOOR SRI KRISHNA TEMPLE, GURUVAYOOR 680 101
3. THE KARANAVAN OF THE MALLISSERY ILLAM,  
BRAHMASHRI PARAMESWARAN NAMBOOTHIRI, GURUVAYOOR 680 101
4. THE THANTHRI,  
BRAHMASHRI CHENNAS NARAYANAN NAMBOOTHIRIPAD,  
GURUVAYOOR SRI KRISHNA TEMPLE, GURUVAYOOR 680 101
5. PRABHA VARMA,,AGED 60 YEARS  
THE PRESS SECRETARY OF THE CHIEF MINISTER OF KERALA,  
ROOM NUMBER 155, NORTH BLOCK, SECRETARIAT, THIRUVANANTHAPURAM,  
THIRUVANANTHAPURAM DISTRICT 695 001.

Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the proceedings of granting Poonthanam Award by the 1<sup>st</sup> respondent to the 5<sup>th</sup> respondent for Exhibit P-2 work pending disposal of this Writ Petition(Civil) .

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S DR.V.N.SANKARJEE, VIJAYAN PILLAI P.K., KEERTHI B. CHANDRAN, M.SUSEELA, R.UDAYA JYOTHI, M.M.VINOD, V.N.MADHUSUDANAN& V.SUDHAKARAN, Advocates for the petitioner and of SRI.T.K.VIPINDAS, Advocate for R1 & R2, the court passed the following:

p.t.o

**C.T. RAVIKUMAR  
&  
N.NAGARESH, JJ.**

**W.P.(C) Nos.5770, 5845 & 5909 OF 2020**

Dated this the 27<sup>th</sup> day of February, 2020

**ORDER**

*Ravikumar, J.*

Since the issues involved in these writ petitions are inter-related and inter-twined, they are heard jointly, for deciding the question of admission and subject to its decision on the question of interim order. Upon hearing the rival contentions and going through the pleadings with reference to Guruvayoor Devaswom Act, 1978, we are of the view that among other questions, the question whether the collection of poems 'Syama Madhavam' written by the proposed awardee depicts Lord Krishna unworthy for worship and if so, whether granting of award to him utilising the funds of Guruvayoor Devaswom that too, from Poonthanam Auditorium of the temple, will be in the interest of worshippers of the temple, are identified as matters that require consideration. In this context, it is to be noted that the new Act viz.,

Guruvayoor Devaswom Act, 1978 intends to protect the interests of the worshippers of the temple. We make it clear that we are not making any consideration or comments on the creative value of the said piece of literature. In the said circumstances, the writ petitions are admitted.

2. Sri. T.K.Vipindas takes notice for respondents 1 and 2 in all the writ petitions. Issue notice to respondents 3 and 4 in W.P. (C).No.5770 of 2020 and Sri.Prabha Varma, who is the common respondent in all the writ petitions, by speed post.

3. The interim orders sought for in these writ petitions are founded on the contention that the granting of Njanappana Award to the common respondent Sri.Prabha Varma who is also the author of 'Syama Madhavam' would hurt the feelings of the devotees in view of the manner in which the Lord Krishna has been depicted therein.

4. 'Njanappana Award' proposed to be awarded to the common respondent Sri.Prabhavarma carries an amount of Rs.50,001/- as well. In view of the questions posed for consideration, as mentioned

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hereinbefore, there will be an interim order to the effect that even in case the cultural event scheduled to be held on 28.02.2020 takes place as scheduled, the granting of 'Njanappana Award' to Sri.Prabhavarma shall not take place.

List the matters for further consideration on 16.3.2020.

Hand over.

Sd/-  
C.T.TRAVIKUMAR, (JUDGE)

Sd/-  
N. NAGARESH, (JUDGE)

/TRUE COPY/

  
ASSISTANT REGISTRAR

spc/

EXHIBIT P2 - TRUE COPY OF SHYAMAMADHAVAM WRITTEN BY THE 5TH RESPONDENT

B  
27/2/2020  
Spa  
27/2/2020