



2023/KER/53254

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

TUESDAY, THE 5TH DAY OF SEPTEMBER 2023 / 14TH BHADRA, 1945

WP(C) NO. 28906 OF 2023

PETITIONER/S:

- 1 R.SREENATH
AGED 34 YEARS
S/O RAGUNATHAN PILLA, SREEMANDIRAM HOUSE,
MUTHUPILAKKAD WEST, PORUVAZHY P.O,
KOLLAM DISTRICT,, PIN - 690520
 - 2 INDRAJITH R
AGED 20 YEARS
S/O RAMESH KUMAR B, PUTHANPURACKAL HOUSE,
MUTHUPILAKKAD WEST, PORUVAZHY P.O,
KOLLAM DISTRICT,, PIN - 690520
- BY ADVS.
P.T.SHEEJISH
A.ABDUL RAHMAN (A-1917)
APARNA V. DEVASSIA
HEMANTH H.

RESPONDENT/S:

- 1 THE STATE OF KERALA
REPRESENTED BY THE HOME SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 DISTRICT POLICE CHIEF
(SUPERINTENDENT OF POLICE), KOLLAM RURAL,
OFFICE OF THE DISTRICT POLICE CHIEF,
KOLLAM RURAL, KOTTARAKKARA,
KOLLAM DISTRICT, PIN - 691506
- 3 STATION HOUSE OFFICER
SASTHAMCOTTA POLICE STATION, MANAKKARA,
SASTHAMCOTTA P.O, KOLLAM DISTRICT,
PIN - 690521



- 4 SANIL
S/O CHANDRASHEKHARAN PILLA, GOKULAM HOUSE,
MUTHUPILAKKAD WEST, PORUVAZHY P.O,
KOLLAM DISTRICT, PIN - 690520
- 5 AJAYAKUMAR K
S/O KRISHNANKUTTY PILLA, KOTTAKATTU HOUSE,
MUTHUPILAKKAD WEST, PORUVAZHY P.O,
KOLLAM DISTRICT, PIN - 690520
- 6 AJAYAKUMAR B
S/O BHASKARA PILLA, PUNTHALA KIZHAKKU HOUSE,
MUTHUPILAKKAD WEST, PORUVAZHY P.O,
KOLLAM DISTRICT, PIN - 690520

R4, R5 AND R6 BY SRI. MOHAN LAL B
JAYAPRABHA ARJUN(K/001757/2023)
AJAY S. KOSHY(K/003202/2022)
ASWIN V. NAIR(K/1019/2017)
ABIJITH M.(K/1226/2022)
GP-SRI.APPU.P.S

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 05.09.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

The petitioners state that they are the devotees of the Muthupilakkadu Sree Parthasarathy temple. According to them, they are keenly interested in the welfare of the temple and its proper administration. In the year 2022, they are stated to have formed an organization by the name, "Parthasarathy Bakthajanasamithi," aimed at the welfare of the temple and its devotees. The petitioners contend that when they attempted to put up saffron flags on the temple premises during special occasions and temple functions, the respondents 4 to 6, by using their influence, prevented the petitioners from doing so. It is on these assertions that this writ petition is filed seeking issuance of directions to the respondents 2 and 3, who are the police officers to afford effective and appropriate police protection to the life of the petitioners and to enable them to peacefully conduct the temple rituals and to decorate the temple premises with their flags without any obstruction by respondents 4 to 6 or any other person claiming under them. The petitioners have also sought for a direction to be issued to the 3rd respondent to consider Ext.P5 complaint submitted by the petitioners before the said authority and take action.



2. The learned Government Pleader first pointed out that the first prayer in the writ petition is to allow the petitioners to conduct the rituals of the temple. He submitted that this prayer cannot be allowed. The second prayer is to decorate the temple with flags and festoons associated with a certain political party. He argued that allowing the temple to be used as a battleground for political one-upmanship would only destroy the peace and sanctity associated with the temple. He further submitted that there have been numerous clashes in the temple premises due to the actions of the petitioners. He also noted that the 2nd petitioner is a person with criminal antecedents. The second petitioner is involved in four criminal cases, including one under Section 308 of the Indian Penal Code (I.P.C.). Proceedings under Section 107 of the Code of Criminal Procedure (Cr.P.C.) have been initiated against him, and his name has been included in the rowdy history sheet maintained at the police station. The Government Pleader also stated that the temple's Administrative Committee has passed a resolution prohibiting the installation of flags, banners, etc., of any political parties or organizations within a radius of 100 meters of the Kanikkavanchi. He also mentioned that this Court had ordered the police to remove all flags, boards, banners, etc., erected by



political parties/organizations/persons in the temple premises in its judgment dated 13.3.2020 in W.P.(C) No.7942/2020.

3. Having considered the submissions advanced I am of the considered opinion that the prayer sought for by the petitioners cannot be granted. Temples stand as beacons of spiritual solace and tranquility, their sanctity and reverence being of paramount importance. Such hallowed spiritual grounds must not be diminished by political maneuverings or attempts at one-upmanship. The petitioners have not demonstrated any legitimate authority to conduct temple rituals as they have prayed for. Furthermore, they cannot be allowed to erect flags or festoons in or around the temple, in light of the orders issued by this Court and decision taken by the administrative committee. The actions and intentions of the petitioners are clearly at odds with the serene and sacred atmosphere to be maintained in the temple.

In that view of the matter, this writ petition will stand dismissed.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**



APPENDIX OF WP(C) 28906/2023

PETITIONER EXHIBITS :

- Exhibit P1 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC NO.10961 OF 2019 DATED 08.04.2019
- Exhibit P2 TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT TO THE PETITIONERS
- Exhibit P3 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN WPC NO.7942 OF 2020 DATED 24.06.2021
- Exhibit P4 TRUE COPY OF THE COMPLAINT DATED 20.08.2023 SUBMITTED BY THE PETITIONERS BEFORE THE 2ND RESPONDENT
- Exhibit P5 TRUE COPY OF THE COMPLAINT DATED 20.08.2023 SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT
- Exhibit P6 TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 20.08.2023 ISSUED TO THE 2ND PETITIONER FROM THE OFFICE OF THE 3RD RESPONDENT
- Exhibit P7 TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT DATED 21.08.2023 ISSUED TO THE 1ST PETITIONER FROM THE OFFICE OF THE 2ND RESPONDENT