



2025:KER:13330

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

MONDAY, THE 17TH DAY OF FEBRUARY 2025 / 28TH MAGHA, 1946

WP(C) NO. 5853 OF 2025

PETITIONER:

SYAMLAL
AGED 37 YEARS
S/O SASI, SYAM BHAVANAM, PRAYAR NORTH,
PRAYAR.P.O., ALAPPUZHA, PIN - 690547

BY ADVS.
A. RAJASIMHAN
VYKHARI.K.U
ANAS ALI M.M.
EESA FARHAN P.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SPECIAL SECRETARY,
*REVENUE (DEVASWOM) DEPARTMENT,
GOVERNMENT SECRETARIAT, STATUE,
THIRUVANANTHAPURAM, PIN - 695001
(*IS SUO MOTU CORRECTED AS PER ORDER DATED
17.02.2025)
- 2 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY ,
DEVASWOM HEAD QUARTERS, NANDANCODE,
THIRUVANANTHAPURAM, PIN - 695003
- 3 DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD,
DEVASWOM HEAD QUARTERS, NANDANCODE,
THIRUVANANTHAPURAM, PIN - 695003



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4 ADMINISTRATOR
OCHIRA PARABRAHMA KSHETHRAM,
OCHIRA.P.O., KOLLAM, PIN - 690526

OTHER PRESENT:

SRI. S. RAJMOHAN, SR. GP;
SRI. G. SANTHOSH KUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 17.02.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

**JUDGMENT****Anil K. Narendran, J.**

The petitioner, who is a devotee of Oachira Parabrahma Temple, which is under the management of a trust by name Oachira Parabrahma Trust, has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus commanding respondents 1 to 3, namely, the State of Kerala, represented by the Special Secretary to Government, Revenue (Devaswom) Department, the Travancore Devaswom Board, represented by its Secretary and the Devaswom Commissioner, Travancore Devaswom Board to enquire into the administration of Oachira Parabrahma Temple, call for periodical accounts, and assume its administration as provided under Sections 36, 37 and 38 of the Travancore-Cochin Hindu Religious Institutions Act, 1950. The petitioner has also sought for a writ of certiorari to quash Ext.P4 notice dated nil issued by the 4th respondent Administrator of Oachira Parabrahma Temple, appointed in terms of the order of the Apex Court dated 03.12.2024 in Civil Appeal Nos.13708-09 of 2024 arising out of Ext.P2 order dated 07.02.2023 of a learned Single Judge of this



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Court I.A.No.5 of 2022 in R.F.A No.562 of 2010, to line up in the queue again for collecting additional application forms.

2. On 13.02.2025, when this writ petition came up for admission, it was ordered to be listed today along with the Judges' papers in R.F.A No.562 of 2010.

3. Heard the learned counsel for the petitioner, the learned Senior Government Pleader for the 1st respondent State and the learned Standing Counsel for Travancore Devaswom Board for respondents 2 and 3.

4. The issue that requires consideration in this writ petition is as to whether the petitioner, who is a devotee of Oachira Parabrahma Temple, can invoke the writ jurisdiction of this Court under Article 226 of the Constitution of India, based on Ext.P5 representation dated 31.01.2025 made before the 4th respondent Administrator appointed in terms of the orders of the Apex Court in Civil Appeal Nos.13708-09 of 2024.

5. Oachira Parabrahma Temple is not a temple under the management of the 2nd respondent Travancore Devaswom Board. It is a temple managed by Oachira Parabrahma Trust. Regarding framing of a scheme for the administration of that temple, under



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Section 92 of the Code of Civil Procedure, 1908, O.S.No.1 of 2006 is pending before the Additional District Court-I, Kollam, in which a preliminary decree has already been passed on 09.04.2010. By that preliminary decree, it is declared that a scheme is to be settled for the 1st defendant Oachira Parabrahma Temple and for all assets and institutions under the same, including Oachira Parabrahma Speciality Hospital. The parties to the suit were called for to file draft scheme for the 1st defendant temple covering all institutions in existence and to be established in future, under the scheme, within three months from the date of the preliminary decree. In that preliminary decree, it was made clear that the administration of the temple and other institutions will continue, till the scheme is framed, as per the present bye-law. The present managing body under the bye-law is allowed to meet the expenses for the effective management of the 1st defendant temple and all institutions under the same, existing and to be established in future, as per the provisions in the existing bye-law, until the scheme is framed. In the preliminary decree, it was made clear that the restrictions



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imposed in that regard during the pendency of O.S.No.1 of 2006 will be removed with effect from 01.06.2010.

6. The preliminary decree passed by the Additional District Court-I, Kollam in O.S.No.1 of 2006 was under challenge before this Court in R.F.A.No.560 of 2010. That first appeal was disposed of by the judgment dated 02.03.2020, without any interference in the preliminary decree passed. While the matter is being proceeding before the Additional District Court-I, Kollam for passing a final decree, I.A.No.5 of 2022 was filed in R.F.A.No.562 of 2010 (which has already been disposed of by the judgment dated 02.03.2020) seeking an order directing the Administrator appointed by this Court to conduct election to the Pothu Bharana Samithi of the temple. The order passed by the learned Single Judge on 07.02.2023 in that interlocutory application was under challenge before the Apex Court in SLP(C)Nos.10598-99 of 2023. Those SLPs were converted as Civil Appeal Nos.13708-09 of 2024, in which the Apex Court passed Ext.P3 judgment dated 03.12.2024. In the said judgment, the Apex Court found it just and necessary to conduct election under the aegis of the new Administrative



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Head/Administrator for the smooth and effective administration of Oachira Parabrahma Temple and the institutions under the same. Accordingly, the 4th respondent Administrator, who is a former Judge of this Court, has been appointed as the Administrative Head/Administrator to conduct election for the administration and management of Oachira Parabrahma Temple and its allied institutions in a free and fair manner.

7. Section 37 of the Act deals with assumption of management of Hindu Religious Endowments and Section 38 deals with the enquiry that has to be undertaken prior to such assumption. Section 36 deals with the power of the Devaswom Commissioner to call for periodical accounts, etc. from the trustees or managers of any Endowment falling under the definition of Section 2(b) of the Act, i.e., a Hindu Religious Endowments as defined in the said clause.

8. As already noticed hereinbefore, Oachira Parabrahma Temple is not a temple under the management of the 2nd Travancore Devaswom Board. It is a temple managed by Oachira Parabrahma Trust. The framing of a scheme under Section 92 of the Code of Civil Procedure, 1908 for the management of the



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said temple is the subject matter in O.S.No.1 of 2006 pending before the Additional District Court-I, Kollam, in which a preliminary decree has already been passed on 09.04.2010. R.F.A.No.562 of 2010 filed challenging the said preliminary decree has already been disposed of by the judgment of a learned Single Judge dated 02.03.2020, without any interference in the preliminary decree passed. Now, by Ext.P3 judgment in Civil Appeal Nos.13708-09 of 2024, the Apex Court appointed the 4th respondent as the Administrative Head/Administrator to conduct election for the administration and management of the temple and its allied institutions, in a free and fair manner. As per the preliminary decree passed by the competent Civil Court, which was not interfered with by the learned Single Judge in the judgment dated 02.03.2020 in R.F.A.No.562 of 2010, the administration of the temple and other institutions will continue, till the scheme is framed, as per the present bye-law. In such circumstances, the petitioner, who is a devotee of Oachira Parabrahma Temple, cannot invoke the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking a writ of mandamus commanding the 2nd respondent Travancore



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Devaswom Board or the 3rd respondent Devaswom Commissioner to enquire into the administration of Oachira Parabrahma Temple, call for periodical accounts and assume its administration as provided under Sections 36, 37 and 38 of the Travancore-Cochin Hindu Religious Institutions Act, 1950.

9. Since the said temple is under the management of Oachira Parabrahma Trust and appointment of the 4th respondent by Ext.P3 judgment of the Apex Court in Civil Appeal Nos.13708-09 of 2024 arising out of the order dated 07.03.2023 of a learned Single Judge of this Court in I.A.No.5 of 2022 filed in R.F.A.No.562 of 2010, the petitioner cannot invoke the writ jurisdiction of this Court under Article 226 seeking a writ of certiorari to quash Ext.P4 notice dated nil issued by the 4th respondent Administrator regarding the preliminary steps taken for conducting election for the administration and management of Oachira Parabrahma Temple and its allied institutions.

In such circumstances, we find no grounds to entertain this writ petition since the petitioner cannot invoke the writ jurisdiction of this Court under Article 226 of the Constitution of India seeking the aforesaid reliefs. The writ petition fails and the



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same is accordingly dismissed; however without prejudice to the legal right, if any, of the petitioner to approach the Additional District Court-I, Kollam, where O.S.No.1 of 2006 is pending consideration for passing a final decree, seeking any relief permissible under law.

Sd/-**ANIL K. NARENDRAN, JUDGE****Sd/-****MURALEE KRISHNA S., JUDGE**

MSA



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APPENDIX OF WP(C) 5853/2025

PETITIONER EXHIBITS

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|------------|---|
| Exhibit P1 | TRUE COPY OF THE BYE LAW OF THE OACHIRA
PARABRAHMA KSHETHRAM |
| Exhibit P2 | TRUE COPY OF THE ORDER DATED 7-2-2023 IN
RFA NO. 562 OF 2010 OF THIS HON'BLE
COURT |
| Exhibit P3 | TRUE COPY OF THE ORDER IN CIVIL APPEAL
NO. 13708-13709 OF 2024 OF THE HON'BLE
SUPREME COURT |
| Exhibit P4 | TRUE COPY OF THE NOTIFICATION ISSUED BY
THE 4TH RESPONDENT IN THE KERALA KAUMUDI
NEWSPAPER ON 29-1-2025 |
| Exhibit P5 | TRUE COPY OF THE REPRESENTATION DATED
31-1-2025 SUBMITTED BY THE PETITIONER TO
THE 4TH RESPONDENT |