



2018:KER:71036

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.HRISHIKESH ROY

&

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY , THE 21ST DAY OF DECEMBER 2018 / 30TH AGRAHAYANA, 1940

WP(C).No. 41961 of 2018

PETITIONER:

DR. S. GANAPATHY, AGED 71 YEARS
S/O. LATE ADVOCATE K. SADANANDAN,
ANJALI, MARUTHADI P.O., KOLLAM 691 003.

BY ADVS.
SRI.R.RANJITH
SMT.MANJUSHA K
SRI.M.T.SURESHKUMAR
SRI.N.BIJA KRISHNA
SRI.P.R.JAYASANKAR

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 TRAVANCORE DEVASWOM BOARD,
HEAD OFFICE, NANTHANCOD, KAWDIAR P.O.,
THIRUVANANTHAPURAM - 695003, REPRESENTED BY ITS SECRETARY.
- 3 ROYAL FAMILY OF PANDALAM,
PANDALAM P.O., PATHANAMTHITTA DISTRICT - 689 501.
REPRESENTED BY ITS SECRETARY, P.N. NARAYANA VARMA.
- 4 KANDARARU RAJEEVARU,
'SABARIMALA TANTHRI', SANNIDHANAM, SHABARIMALA,
PATHANAMTHITTA DISTRICT - 689 713.

BY GOVERNMENT PLEADER SRI.TEK CHAND
SRI.S.RAJ MOHAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21.12.2018, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**JUDGMENT****Hrishikesh Roy, C.J.**

This writ petition structured as a Public Interest Litigation is filed with the following prayers:

- " "
- i. declare that Royal Family of Pandalam does not have any right over the Sabarimala Temple and its assets.
 - ii. issue a writ in the nature of mandamus commanding the 2nd respondent to take over ornaments (Thiruvabharanam) belonging to Lord Ayyappa from the Royal Family of Pandalam, after making proper assessment.
 - iii. issue a writ in the nature of mandamus commanding the respondents 1 and 2 to recover the loss, if any, caused to the gold ornaments of Lord Ayyappa, from the persons concerned.
 - iv. declare that Thazhaman Family does not have any Thantric rights over the Sabarimala and Associate Temples.
 - v. declare that Thantric rights are not hereditary in nature.
 - vi. declare that the post of Chief Priest in Sabarimala as well as Malikappuram temples are open to all qualified persons belonging to Hindu religion.
 - vii. issue a writ in the nature of mandamus commanding the 2nd respondent to prepare a list of qualified persons to be appointed as Chief Priest of Sabarimala and Malikappuram Temples, based on merit and make appointments from the select list, without resorting to the procedure of draw of lots.
 - viii. issue such other reliefs as this Hon'ble court may deem fit and proper in the facts and circumstances of the case.
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2. We heard the learned counsel for the petitioner Sri.R.Ranjith. As can be appreciated if the above prayers are to be considered by the court, many factual



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aspects would have to be first established as forming the foundation for the rights, claimed through this PIL. This exercise may hardly be feasible for a court exercising jurisdiction under Article 226 of the Constitution. Moreover, the challenge here relates to religious belief and practice and the counsel for the petitioner failed to show, even on a prima facie basis, how such religious belief and practice should be a matter of court intervention. In such circumstance, exercise of the discretionary jurisdiction is not found warranted in the PIL. Accordingly, the Writ Petition is dismissed. However, if the petitioner wants to establish the factual foundation for his claim before the proper forum, such option shall not be extinguished by the dismissal of this case.

SD/-
HRISHIKESH ROY
CHIEF JUSTICE

SD/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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APPENDIX

PETITIONER'S EXHIBITS:

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| EXHIBIT P1 | TRUE PHOTOSTAT COPY OF THE RELEVANT PIECE OF INFORMATION DOWNLOAD FROM THE OFFICIAL WEBSITE OF PANDALAM ROYAL FAMILY. |
| EXHIBIT P2 | TRUE PHOTOSTAT COPY OF THE RELEVANT PIECE OF INFORMATION DOWNLOAD FROM THE OFFICIAL WEBSITE OF PANDALAM ROYAL FAMILY. |
| EXHIBIT P3 | TRUE PHOTOSTAT COPY OF THE RELEVANT PIECE OF INFORMATION DOWNLOAD FROM THE OFFICIAL WEBSITE OF PANDALAM ROYAL FAMILY. |
| EXHIBIT P4 | TRUE PHOTOSTAT COPY OF THE COVENANT ENTERED INTO BY THE RULERS OF TRAVANCORE AND COCHIN. |

// TRUE COPY //

P.S. TO JUDGE