



W.P.(C) No. 39974 of 2025

2026:KER:1155

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

FRIDAY, THE 9TH DAY OF JANUARY 2026 / 19TH POUSHA, 1947

WP(C) NO. 39974 OF 2025

PETITIONER:

SANOOP V.V., AGED 43 YEARS, S/O V V RAGHAVAN, ASWATHY,
AR CAMP ROAD, MARI KUNNU PO, CALICUT, PIN - 673012

BY ADVS.
SRI.C.R.SIVAKUMAR
SMT.ANJALI C.
SMT.SUBHAJA P.
SHRI.VIPIN KUMAR K.P.

RESPONDENTS:

- 1 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY
DEPARTMENT OF DEVASWAM, GOVERNMENT SECRETARIATE ANEX
BUILDING GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM., PIN - 695001
- 2 THE DISTRICT COLLECTOR, CIVIL STATION, COLLECTORATE,
ERANHIPALAM WAYANADU ROAD KOZHIKODE, PIN - 673020
- 3 THE DISTRICT EDUCATIONAL OFFICER, REPRESENTED BY ITS
PRINCIPAL SECRETARY OF THE GENERAL EDUCATION
DEPARTMENT, MANANCHIRA, KOZHIKODE, PIN - 673002
- 4 UNIVERSITY OF CALICUT
REP BY ITS REGISTRAR UNIVERSITY OF CALICUT,
THENHIPALAM, MALAPPURAM, PIN - 673635



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- 5 DIRECTOR OF COLLEGIATE EDUCATION
REPRESENTED BY ITS DIRECTOR, 6TH FLOOR, VIKAS BHAVAN
VIKAS BHAVAN P O, THIRUVANANTHAPURAM, PIN - 695033
- 6 MALABAR DEVASWOM BOARD
REPRESENTED BY ITS COMMISSIONER THE MALABAR DEVASWOM
BOARD COMMISSION, SECOND FLOOR, HOUSEFED COMPLEX,
ERANHIPALAM, KOZHIKODE, PIN - 673006
- 7 THE REGIONAL DEPUTY DIRECTOR
HIGHER SECONDARY EDUCATION, RDD OFFICE, IDIYANGARA,
PARAPPIL, KOZHIKODE, PIN - 673001
- 8 P.K. KERALA VARMA, AGED 89 YEARS
S/O LATE BALA RAMA VARMA, FLAT NO. F1, BLOCK 10,
CHINTHAVALAP FLATS, RAM MOHAN ROAD, KOZHIKODE - 673004
- 9 REGIONAL PROVIDENT FUND COMMISSIONER
THE EMPLOYEES PROVIDENT FUND ORGANISATION SUB REGIONAL
OFFICE, ERANHIPPALAM, PO, KOHIKKODE, PIN - 673006
- 10 THE MANAGER, STATE BANK OF INDIA, BANK ROAD KOZHIKKODE,
PIN - 673001

BY ADVS.

SHRI.K.P.SUDHEER

SRI.S. RAJMOHAN, SR PP

SRI. R. RENJANIE, SC MD

SRI.AMAL GEORGE

SRI. P C SASIDHARAN, SC, CALICUT UNIVERSITY

ADV.SAJEEV KUMAR K. GOPAL,SC, R9

SMT.ARUNDHATI NAIR

O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
24.11.2025, THE COURT ON 09.01.2026 DELIVERED THE
FOLLOWING:



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‘CR’**JUDGMENT****K. V. Jayakumar, J.**

This Writ Petition is filed under Article 226 of the Constitution of India challenging Ext. P6 order of the 2nd respondent, the District Collector, Kozhikode.

2. The petitioner, Sanoop V.V., states that he is a devotee of Sree Valayanadu Devi Temple and alumnus of Zamorin’s Guruvayurappan College. According to him, he approached this Court to protect the sanctity and transparency of the temple and the administration of educational institutions managed by the Zamorin’s Kovilakam.

3. The petitioner states that the 2nd respondent, District Collector, Kozhikode, by Ext.P6 order has granted Malikhana – a hereditary political pension granted by the British Government to the Zamorin Raja – to the late Sri. K. C. Ramachandran Raja. According to the petitioner, Malikhana was abolished by the 26th Amendment of the Constitution of India in 1971. The petitioner states that the 8th respondent, Sri. P.K. Kerala Varma, has staked a claim to receive Malikhana.

4. The petitioner further states that the 8th respondent, being the Managing Director of M/s. Narniat Pharmaceuticals and Chemicals Pvt. Ltd., is a defaulter to the State Bank of India to the tune of ₹82.95 Crores. The 8th respondent is facing coercive actions from the Employees’ Provident



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Fund Organisation for statutory non-compliance, thereby rendering him unfit to hold any fiduciary or religious office.

5. The petitioner states that he is a devotee of Sree Valayanadu Temple and deeply committed to the protection of the interests of the deity. The petitioner states that Zamorin Raja of Calicut, traditionally known as ‘Samoothiri’, is the hereditary head of the Zamorin’s Kovilakam. Although his political authority ended with the integration of princely states into the Indian Union, the Raja continues to hold a recognised role in the administration and cultural supervision of temples and educational institutions established and managed by the Kovilakam.

6. The petitioner contends that in temple administration, the Zamorin Raja serves as the hereditary trustee of several ancient temples. His trusteeship is legally recognised under the Madras Hindu Religious and Charitable Endowments Act, 1951 (for the sake of brevity, ‘the Act’).

7. The petitioner further contends that the management of the temples is exercised by the Raja, which includes oversight of the temple committees responsible for daily administration, conduct of rituals and festivals, appointment of priests and other staff, maintenance of temple properties and financial management. He also acts as an approval authority in the temples. It is contended that the Raja performs important ceremonial and religious roles in the temples.

8. It is further contended that the role of Zamorin remains consultative, where the temples come under the supervisory control of the



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Devaswom Department or the Commissioner for Hindu Religious and Charitable Endowments. The Raja ensures that hereditary customs, temple traditions and the dignity of the office of trustee are maintained in accordance with long-standing practices.

9. In addition to the administrative functions pertaining to the temple, the Zamorin Raja holds a substantive and influential role in the domain of education. The Zamorin's Kovilakam has founded several educational institutions, most notably Zamorin's Guruvayurappan College, Kozhikode. These institutions are administered by registered Trusts or governing bodies in which the Zamorin Raja functions as the Chairman or Patron. In this capacity, he oversees policy matters, appointments of Principals and teaching staff in compliance with University and Government regulations, financial management, infrastructure development, and overall direction of the institution. Through this role, he represents the cultural and traditional authority of the Kovilakam within modern education. The petitioner also noted that Zamorin Raja's legal position as Trustee or Patron is supported by registered trust deeds, bye-laws, statutory provisions, and judicial and official recognitions, ensuring historical and legal continuity.

10. The petitioner asserts that the Zamorin Raja serves as the hereditary trustee of several ancient temples and as the Patron or Chairman of educational institutions established by the Kovilakam. His role combines ceremonial dignity, administrative responsibility, and cultural leadership, ensuring the continuity of religious, educational and moral traditions.



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Additionally, he acts as the symbolic and cultural head of these institutions, promoting values such as learning, discipline, and respect for tradition.

11. The petitioner further states that Narniat Pharmaceuticals and Chemicals Pvt. Ltd. is owned and managed by the 8th respondent along with Smt. Sujatha Varma, Smt. Jayasree Varma and Smt. Suneethi Raveendran Raja. The said company has a substantial liability to the State Bank of India. According to the Bank, an amount of ₹82.95 crores is recoverable from the 8th respondent's company.

12. Exts. P1 to P3 documents would show that certain litigations are filed before the Debt Recovery Tribunal, Chennai and before the Madras High Court. The petitioner further states that the 8th respondent was arrested on two occasions by the Enforcement Officer of the Employees' Provident Fund Organisation, as evident from Exts.P4 and P5 arrest memos.

13. The petitioner states that Malikhana was a hereditary allowance granted by the British Government to the Zamorin's Raja of Calicut as compensation for the loss of sovereign authority. The petitioner asserts that Malikhana is a hereditary pension and not an estate or ownership right. By virtue of the 26th Amendment to the Constitution of India, all privy purses and similar allowances, including Zamorin's Malikhana, were abolished.

14. The petitioner contends that the 8th respondent made an application to the District Collector, Calicut, claiming Malikhana based on Ext. P6 order by which the District Collector has granted Malikhana allowance to Sri. K. C. Ramachandran Raja.



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15. The petitioner herein has submitted a petition dated 19.10.2025 (Ext.P7) before the 2nd respondent raising serious objections regarding the character, conduct and the financial background of the 8th respondent. According to the petitioner, a person with such antecedents is not fit to be conferred with the title of Malikhana. On these assertions, the petitioner has approached this Court with the following reliefs:

“1. Issue a writ of certiorari, or any other appropriate writ, order or direction, calling for the records leading to Exhibit P6 order No. DC KKD/6446/2025-A1 dated 26.06.2025 issued by the 2nd Respondent and after perusal thereof, declare and hold that the said order was issued in favour of the former Zamorin, late Sri K.C. Ramachandran Raja, and that the 8th Respondent has no legal right or authority to claim or continue any benefit, title or privilege under the said order.

2. Issue a writ of certiorari or mandamus, or any other appropriate writ, order or direction, quashing Exhibit P6 to the extent it is relied upon or misused by the 8th Respondent to claim Malikhana or to assert control over the Zamorin’s Devaswom temples and educational institutions.

3. Issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 2nd Respondent (District Collector, Kozhikode) and the 1st Respondent (State of Kerala) to conduct an independent and detailed enquiry into the antecedents, financial status, and moral conduct of the 8th Respondent before recognising or accepting any claim by him as Zamorin Raja or as recipient of Malikhana.



4. Issue a writ of mandamus directing the 2nd Respondent to consider and pass appropriate orders on Exhibit P7 representation submitted by the petitioner, after affording an opportunity of hearing to the petitioner and other interested parties within a time frame fixed by this Hon'ble Court.

5. Issue a writ of prohibition restraining the 8th Respondent or any person claiming through him from exercising any right, control or authority over the temples, Devaswoms or educational institutions historically associated with the Zamorin's Kovilakam, on the strength of Exhibit P6 or otherwise, until the completion of such enquiry and further orders of this Hon'ble Court.

6. Declare that the Malikhana allowance, being a hereditary political pension, stood abolished by the Constitution (Twenty-Sixth Amendment) Act, 1971, and that no claim or continuation of such benefit can legally arise in favour of any individual, including the 8th Respondent.

7. Declare, the 8th Respondent is disqualified under Section 45 of the said Act from functioning as hereditary trustee or exercising any supervisory control over the Zamorin's temples or educational institutions due to his prior imprisonment and financial delinquency."

16. The 8th respondent has filed a counter affidavit as directed by this Court. In his counter, he states that public interest litigations instituted by the petitioner are not maintainable either in law or on facts. The petitioner has no *locus standi* to challenge Ext.P6 order and the Writ Petition is clearly an abuse of process, filed with a *mala fide* intention to defame



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him. The *mala fides* are evident from the fact that the petitioner has not chosen to implead the Union of India as a party to the Writ Petition.

17. In the counter, it is stated that Malikhana is not a hereditary political pension. The contention of the petitioner is that the Malikhana is a Privy Purse is incorrect. The 8th respondent asserts that the right to receive Malikhana arises out of a covenant/agreement executed between the East India Company and Zamorin Raja.

18. It is averred in the counter that the Writ Petition is not maintainable in view of Article 363 of the Constitution of India, which clearly bars the interference of Courts in disputes arising out of certain treaties and agreements. The payment of Malikhana was abolished by the 26th Amendment of the Constitution of India is absolutely incorrect. By the said Amendment, the Privy Purse of the Rulers is abolished.

19. It is further contended that, even after the 1971 Amendment, Malikhana has been paid to the Zamorin's family for more than 50 years. Such payment is made on the basis of an agreement entered into between the Zamorin and the British Government way back on 15.11.1806. The Union of India is paying the amount. Malikhana allowance was being paid to various sthanees and the 8th respondent received Malikhana due to the 5th sthanee, 4th sthanee, 3rd sthanee and 2nd sthanee. Ext. R8(a) is the true copy of the proceedings of the office of the Accountant General (A&E) Kerala, dated 19.06.2025.



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20. In the counter, it is stated that neither the petitioner nor any other person has challenged those payments at any point of time. The Malikhana due to Zamorin includes payment to be made to Kuthiravattom Nair, Valiya Nambidi, Punnathur Raja, and college contribution, etc. The attempt of the petitioner and his henchmen is to defame the 8th respondent and to somehow delay the payments. The petitioner is not even aware of the fact that the amount is paid by the Union of India, and the District Collector only notifies the sthanees and Zamorin Raja based on the request of the family. No member of the family has any objection whatsoever, and the 8th respondent has already ascended to be the Zamorin Raja. The District Collector, Kozhikode is functioning as the Malikhana Disbursement Officer.

21. It is further asserted in the counter that, as per Ext.R8(b), Judgment in W.A. No.83/2024, this Court set aside the order denying the enhancement of Malikhana and directed the Union of India to consider the request for enhancing the Malikhana. The 8th respondent asserted that since the reliefs sought for in the Writ Petition are clearly barred under Article 363 of the Constitution of India and in view of Ext.R8(b), the Writ Petition is liable to be dismissed with exemplary costs.

22. It is stated that the petitioner has no *locus standi* to challenge the hereditary rights of the 8th respondent, who is the 2nd sthanee ascended as Zamorin Raja. It is also stated that the 8th respondent is a technocrat running a pharmaceuticals manufacturing plant recognised as a model unit and filmed by Doordarshan, recipient of the best export award and distinct



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entrepreneur of repute. He has undergone advanced training in West Germany and is a delegate of the Government of India for the Export Promotion Council.

23. It is stated in the counter that the allegation made in paragraph 7 of the Writ Petition that the 8th respondent is indebted to the State Bank of India is incorrect. The petitioner is bound to disclose how he obtained Exts.P1 to P5 documents. It is submitted that the Debts Recovery Tribunal, Ernakulam dismissed O.A. No.238/2013 by final order dated 29.07.2024 (marked as Exhibit R8 (c)). Ext. R8(c) would show that the allegations made by the petitioner are factually incorrect.

24. It is also contended that the allegations contained in paragraph 8 of the Writ Petition are the distorted versions regarding the outstanding liabilities towards the Employees Provident Fund Organisation and the alleged imprisonment. Ext. P4 arrest memo was interdicted by this Court in W.P.(C) No. 34675/2005 filed by the petitioner.

25. It is further contended that the petitioner has no *locus standi* and Exhibit P7, the alleged representation submitted by the petitioner to the District Collector, is not liable to be considered and it is with *mala fide* and other interests, such representations are made and the present Writ Petition is also filed with that intention.

26. The petitioner has filed a reply affidavit refuting and denying the contentions of the 8th respondent in the counter affidavit. On going through the pleadings, the following issues arise for our consideration.



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- i. Whether the Writ Petition is maintainable?
- ii. Whether the petitioner has the *locus standi* to file the Writ Petition?
- iii. Whether the reliefs claimed in the Writ Petition can be granted?

27. We have heard the submissions of Sri. C. R. Sivakumar, learned counsel for the petitioner and Sri. S. Rajmohan, learned Senior Government Pleader, Smt. R. Renjanie, learned Standing Counsel for the Malabar Devaswom Board, Sri. P. C. Sasidharan, learned Standing Counsel for the Calicut University, Sri. K.P. Sudheer, learned counsel for respondent No.8, Sri. Sajeev Kumar K. Gopal, learned Standing Counsel for the Regional Provident Fund Commissioner and Sri. Amal George for respondent No.10.

28. The learned counsel for the 8th respondent submitted that the Writ Petition is not maintainable in view of Article 363 of the Constitution of India and the petitioner has no *locus standi* to file the Writ Petition. On the other hand, the learned counsel for the petitioner submitted that the Writ Petition is perfectly maintainable. Article 363 of the Constitution of India is extracted hereunder;

“363. Bar to interference by Courts in disputes arising out of certain treaties, agreements, etc. - (1) Notwithstanding anything in this Constitution but subject to the provisions of article 143, neither the Supreme Court nor any other court shall have jurisdiction in any dispute arising out of any provision of a treaty, agreement, covenant, engagement, *sanad* or other similar instrument which was entered into or executed before the commencement of this Constitution by any Ruler of an Indian State and to which the



Government of the Dominion of India or any of its predecessor Governments was a party and which has or has been continued in operation after such commencement, or in any dispute in respect of any right accruing under or any liability or obligation arising out of any of the provisions of this Constitution relating to any such treaty, agreement, covenant, engagement, *sanad* or other similar instrument.

(2) In this article -

(a) "Indian State" means any territory recognised before the commencement of this Constitution by his Majesty or the Government of the Dominion of India as being such a State; and

(b) "Ruler" includes the Prince, Chief or other person recognised before such commencement by His Majesty or the Government of the Dominion of India as the Ruler of any Indian State."

29. In view of Article 363 of the Constitution of India, we have no hesitation in holding that the Writ Petition is not maintainable. The *non obstante* clause in sub clause (1) of Article 363 of the Constitution specifically bars the jurisdiction of the Courts with respect to any disputes arising out of any provision of treaty, agreement, covenant which was entered into or executed before the commencement of the Constitution by any Ruler of an Indian State and to which the Government of the Dominion of India or its predecessor Governments was a party.

30. The petitioner herein seeks a declaration to the tune that the 8th respondent has no legal right or authority to claim the benefit of Malikhana. The petitioner also seeks declaratory relief that Malikhana allowance, being



a hereditary political pension, stood abolished by the Constitution (26th) Amendment Act, 1971 and therefore the members of the Raja family are not entitled to claim the benefit of Malikhana.

31. On the other hand, the learned counsel for the 8th respondent contended that the right to receive Malikhana arises out of a covenant executed between the East India Company and the erstwhile Ruler of Kozhikode, Zamorin Raja. The 26th Amendment of the Constitution would not take away the benefit of the Malikhana allowance.

32. Before we proceed further, it would be apposite to extract the 26th Amendment Act, 1971.

“An Act further to amend the Constitution of India
BE it enacted by Parliament in the Twenty-second year of the
Republic of India as follows: —

1. This Act may be called the Constitution (Twenty-sixth Amendment) Act, 1971.
2. Articles 291 and 362 of the Constitution shall be omitted.
3. After Article 363 of the Constitution, the following article shall be inserted, namely: —

"363A. Notwithstanding anything in this Constitution or in any law for the time being in force—

(a) the Prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the Ruler of an Indian State or any person who, at any time before such commencement, was recognised by the President as the successor of such Ruler shall, on and from such commencement, cease to be recognised as such Ruler or the



successor of such Ruler;

(b) on and from the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, privy purse is abolished and all rights, liabilities and obligations in respect of privy purse are extinguished and accordingly the Ruler or, as the case may be, the successor of such Ruler, referred to in clause (a) or any other person shall not be paid any sum as privy purse."

4. In article 366 of the Constitution, for clause (22), the following clause shall be substituted, namely: —

'(2) "Ruler" means the Prince, Chief or other person who, at any time before the commencement of the Constitution (Twenty-sixth Amendment) Act, 1971, was recognised by the President as the Ruler of an Indian State or any person who, at any time before such commencement, was recognised by the President as the successor of such Ruler."

33. As per the 26th Amendment of the Constitution, Article 363A was inserted in the Constitution. As per the *non obstante* clause, Privy Purse and all rights and liabilities in respect of Privy Purse were extinguished. Section 2 of the Amendment Act 1971 has deleted Articles 291 and 362 from the Constitution of India.

34. On a scrutiny of the provisions of the Constitution (26th Amendment) Act 1971, it is crystal clear that only the Privy Purse payable to the erstwhile ruler is abolished. However, Article 363, which recognized the rights of rulers on the basis of the covenant executed between the



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erstwhile Rulers of Indian States and the Government of the Dominion of India or its predecessors, is retained in the Statute Book.

35. The learned counsel for the 8th respondent resisted this argument contending that Malikhana allowance is being paid to Zamorin's Family for more than the past 50 years. A covenant was executed between the Zamorin's Royal Family and the British Government way back on 15.11.1806. The allowance was paid by the Union of India to various Sthanees of the Royal Family. The 8th respondent, Sri. P.K. Kerala Varma Raja, has received Malikhana allowance due to his position as 5th sthanee, 4th sthanee, 3rd sthanee and 2nd sthanee. In order to substantiate this claim, the 8th respondent produced Ext. R8(a), a true copy of the proceedings of the Accountant General (A&E), Kerala, dated 19.06.2025.

36. Ext. R8(a), the authorization letter issued from the Office of the Accountant General (A&E) to the District Treasury Officer, Kozhikode to make necessary arrangements for the payment of Malikhana allowance to Sri. P.K. Kerala Varma Raja (8th respondent), at the rate of ₹15,000/- per annum with effect from 03.04.2025, due to his position as 2nd Sthaneer.

37. Therefore, we hold that the Privy Purse and Malikhana allowance are distinct and separate claims and operate in different spheres. We are of the considered opinion that the Constitution (26th Amendment) Act, 1971, would never affect a claim of a ruler of an Indian State based on a Covenant, agreement or a treaty. We find no merit in the argument advanced by the learned counsel for the writ petitioner that by virtue of the



26th Amendment of the Constitution, the erstwhile rulers of Indian States have no legal right to claim the benefit of Malikhana.

38. The next submission of the learned counsel for the 8th respondent is that the petitioner, Sanoop V.V., has no *locus standi* to approach this Court and to seek the reliefs. According to the petitioner, he is a devotee of Sree Valayanadu Devi Temple and an alumnus of Zamorin's Guruvayurappan College. He approached this Court in order to protect the sanctity and transparency of the temple and the educational institution managed by the Zamorins.

39. The petitioner has no case that he is a member of Zamorin's Family or that he has a rival claim for Malikhana allowance. The petitioner has failed to show that he had sufficient interest in the subject matter of the Writ Petition. On going through the pleadings, we are of the firm view that the petitioner has no *locus standi* to file a Writ Petition of this nature and to challenge an allowance liable to the senior members of the Royal Family, which was being paid by the Union of India on the basis of Covenant executed as early as in the year 1806. On that count also, the Writ Petition is not maintainable in our considered view.

40. The learned counsel for the 8th respondent submitted that the Division Bench of this Court in W.A. No. 83/2024 has considered various aspects with regard to the allowance of Malikhana and directed the Union of India to consider the enhancement of allowance. Ext. R8(b) is the copy of the said judgment. The Writ Appeal was preferred by Zamoothiri Raja



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Kudumba Kendra Samithy, the 8th respondent and certain other members of the family. The relevant paragraphs of Ext. R8(b) judgment are extracted hereunder:

“29. In these circumstances, the impugned communications dated 25 May 2012 and 6 January 2015 will have to be quashed and set aside, and the representation will stand restored. The Respondent Union of India will have to decide regarding the Appellants' prayer for enhancement of *Malikhana* payment by examining the nature and characteristics of Malabar *Malikhana* compensation as we are not shown any detailed consideration examining necessary historical documents on this aspect. Therefore, a detailed decision in this regard is necessary. If the Union of India requires any information from the State Government, the State Government will provide the same.

30. In the light thereof, the appeal is allowed. The impugned judgment delivered by the learned Single Judge dated 26 October 2023 is quashed and set aside. The orders dated 25 May 2012 and 6 January 2015 are also quashed and set aside. The representation of the Appellants stands restored to the file.

31. It is open to the Appellants to submit an additional representation on the nature of Malabar *Malikhana* compensation. After that, the Union of India will take a decision on the representation of the Appellants and their request for enhancement of Malabar *Malikhana* compensation after dealing with the issue regarding the nature and characteristics of the Malabar *Malikhana* compensation as to whether it is a pension/grant or is it a compensation for



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properties. Needless to state, the decision would be taken on its own merits. Representation will be decided within six months of the Appellants submitting their additional representation, and a copy of the decision containing reasons will be addressed to them. If the response is in the negative, the remedies of the Appellants are kept open.”

41. It is pertinent to note that this Court has directed the Union of India to consider the possibility of enhancement of Malikhana Allowance. Ext.R8(a) would indicate that the said allowance is being paid in the year 2025.

42. The petitioner has also claimed a writ of prohibition restraining the 8th respondent or any person claiming through him from exercising any right, control or authority over the temples, Devaswoms or educational institutions associated with the Zamorin’s Kovilakam.

43. In *Thirumala Tirupati Devasthanams And Another v. Thallappaka Ananthacharyulu And Others*¹, the Hon’ble Apex Court observed that a writ of prohibition could be granted only on cogent and strong reasons. A writ of prohibition can be issued only in the rarest of rare cases. Paragraph No. 14 of the *Thirumala Tirupati Devasthanams And Another* (supra) reads thus:

“14 On the basis of the authorities it is clear that the Supreme Court and the High Courts have power to issue writs,

¹ 2003 KHC 1591



including a writ of prohibition. A writ of prohibition is normally issued only when the inferior Court or Tribunal (a) proceeds to act without or in excess of jurisdiction, (b) proceeds to act in violation of rules of natural justice, (c) proceeds to act under law which is itself ultra vires or unconstitutional, or (d) proceeds to act in contravention of fundamental rights. The principles, which govern exercise of such power, must be strictly observed. A writ of prohibition must be issued only in rarest of rare cases. Judicial disciplines of the highest order has to be exercised whilst issuing such writs. It must be remembered that the writ jurisdiction is original jurisdiction distinct from appellate jurisdiction. An appeal cannot be allowed to be disguised in the form of a writ. In other words, this power cannot be allowed to be used "as a cloak of an appeal in disguise". Lax use of such a power would impair the dignity and integrity of the subordinate Court and could also lead to chaotic consequences. It would undermine the confidence of the subordinate Court. It was not even argued that there was total lack of jurisdiction in the civil Court. It could not be denied that the civil Court, before which the suit was pending, had powers to decide on the maintainability of the suit and to decide on questions of its jurisdiction. The civil Court had jurisdiction to decide whether the suit was barred by S.14 of the said Act or on principles of res judicata / estoppel. Thus unless there was some very cogent or strong reason the High Court should not have prevented the Court of competent jurisdiction from deciding these questions. In other words the High Court should not usurp the jurisdiction of the civil Court to decide these questions. In the impugned Judgment no reason, much less a cogent or strong reason, has been given as to why the civil Court could not be allowed to decide these questions. The impugned Judgment does not state that the civil Court had



either proceeded to act without or in excess of jurisdiction or that it had acted in violation of rules of natural justice or that it had proceeded to act under law which was ultra vires or unconstitutional or proceeded to act in contravention of fundamental rights. The impugned Judgment does not indicate as to why the High Court did not consider it expedient to allow the civil Court to decide on questions of maintainability of the suit or its own jurisdiction. The impugned judgment does not indicate why the civil Court be not allowed to decide whether the suit was barred by virtue of S.14 of said Act or on principles of res judicata / estoppel. To be remembered that no fundamental right is being violated when a Court of competent jurisdiction is deciding, rightly or wrongly, matters before it.”

44. The law laid down by the Apex Court in the above referred judgment would make it clear that a writ of prohibition is an extraordinary remedy to be ordered sparingly in exceptional cases. In the instant case, the petitioner has not made out a case for the grant of the extraordinary relief of writ of prohibition.

45. The instant Writ Petition is preferred without arraying the Union of India as a party. We are unable to fathom as to why the Union of India is not arrayed as a party to this proceeding.

46. On a careful consideration of the pleadings, materials placed on record and the submissions made in the Court, we are of the firm view that the Writ Petition is not maintainable in view of the specific Bar under Article 363 of the Constitution of India. Moreover, the petitioner has no *locus standi* to file a Writ Petition of this nature. The reliefs claimed in the



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Writ Petition cannot be granted. Considering the facts and circumstances of the case, we deem it appropriate to impose a cost of Rs. 10,000/- payable to the High Court Mediation Centre.

In the result, the Writ Petition is dismissed with a cost of ₹10,000/- (Rupees Ten Thousand Only). The cost shall be paid within 30 days from the date of receipt of a copy of this judgment.

Sd/-

**RAJA VIJAYARAGHAVAN V
JUDGE**

Sd/-

**K. V. JAYAKUMAR
JUDGE**

BR/Sbna



W.P.(C) No. 39974 of 2025

2026:KER:1155

APPENDIX OF WP(C) NO. 39974 OF 2025

PETITIONER EXHIBITS

- Exhibit P1** A TRUE COPY OF THE ORDER IN I.A. NO. 101/2023 IN A.I.R. NO. 101/2023 OF THE DEBT RECOVERY APPELLATE TRIBUNAL, DATED 27/03/2023
- Exhibit P2** A COPY OF THE COUNTER AFFIDAVIT FILED BY THE BANK BEFORE THE HON'BLE HIGH COURT OF MADRAS IN W.P.(C) NO. 8608/2023 DATED 05/07/2023
- Exhibit P3** A TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 8608/2023 DATED 06/07/2023
- Exhibit P4** A TRUE COPY OF THE ARREST MEMO DATED 31/01/2006
- Exhibit P5** A TRUE COPY OF THE ARREST MEMO DATED 02/05/2006
- Exhibit P6** A TRUE COPY OF THE SAID ORDER NO. DC KKD/6446/2025-A1 DATED 26/06/2025
- Exhibit P7** A TRUE COPY OF THE PETITION 19/10/2025 WHICH RECEIVED BY 2ND RESPONDENT ON 21/10/2025

RESPONDENT EXHIBITS

- EXHIBIT R8 (a)** True copy of proceedings of the office of the Accountant General (A and E) Kerala dated 19/06/2025.
- EXHIBIT R8 (b)** True copy of judgment dated 24/10/2024 in W.A.No. 83 of 2024 passed by this Honourable Court.
- EXHIBIT R8 (c)** True copy of order dated 29/07/2024 in O.A.No. 238/2013 on the file of Debts Recovery Tribunal-I, Ernakulam.