

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN  
&  
THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

Tuesday, the 4<sup>th</sup> day of March 2025 / 13th Phalgun, 1946  
WP(C) NO. 8620 OF 2025 (B)

**PETITIONER:**

GOPALAKRISHNAN K. V. AGED 61 YEARS S/O. GOVINDAN NAIR, RESIDING AT  
GOVINDAM HOUSE, SIDHASAMAJAM P.O., VADAKARA (VIA), PIN - 673104

**RESPONDENTS:**

1. THE MALABAR DEVASWOM BOARD REPRESENTED BY ITS SECRETARY, HOUSEFED COMPLEX, ERANHIPALAM P.O., KOZHIKODE, PIN - 673006
2. THE COMMISSIONER MALABAR DEVASWOM BOARD, HOUSEFED COMPLEX, ERANHIPALAM P.O., KOZHIKODE, PIN - 673006
3. THE EXECUTIVE OFFICER O/O. THE EXECUTIVE OFFICER, SRI. LOKANARKAVU GROUP OF TEMPLES, THALASSERY DIVISION, SIDDASAMAJAM P.O., VADAKARA,, PIN - 673104
4. THE TRUSTEE BOARD OF SRI. LOKARNARKAVU GROUP OF TEMPLES REPRESENTED BY ITS CHAIRMAN, SRI. LOKANARKAVU GROUP OF TEMPLES, THALASSERY DIVISION, SIDDASAMAJAM P.O., VADAKARA,, PIN - 673104
5. VILLIAPPALLY GRAMA PANCHAYAT REPRESENTED BY ITS SECRETARY, VILLIAPPALLY P.O., KOZHIKODE, PIN - 673542

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

1. Stay all further proceedings in pursuant to Exhibit P2 auction notice.

2. To direct the 5th Respondent to handover Vazhiyora Visrama Kendra/ "Take a Break" inside the Lokanarkavu Devi Temple premises to the Respondent 1 to 4.

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. SAJITH KUMAR V., VIVEK A.V., AMMU M.and ARUN S. Advocates for the petitioner , STANDING COUNSEL for R1 & R2 and of the STANDING COUNSEL FOR R5,the court passed the following:

**ANIL K. NARENDRAN & MURALEE KRISHNA S., JJ.**

**W.P.(C)No.8620 of 2025**

**Dated this the 4<sup>th</sup> day of March, 2025**

**ORDER**

**Anil K. Narendran, J.**

Admit.

2. The learned Standing Counsel for Malabar Devaswom Board takes notice for respondents 1 and 2 and the learned Standing Counsel for Villiappally Grama Panchayat for the 5<sup>th</sup> respondent. Issue urgent notice by special messenger to respondents 3 and 4, returnable by 11.03.2025.

3. The petitioner, who is a devotee of Lokanarkavu Temple, which is a controlled institution under the 1<sup>st</sup> respondent Malabar Devaswom Board, has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of certiorari to quash Ext.P2 auction notice dated nil issued by the 5<sup>th</sup> respondent Villiappally Grama Panchayat, which was scheduled to be held on 27.02.2025 at 11.00 a.m. in the office of the Grama Panchayat, for the right to run 'Vazhiyora Visrama Kendram' (comfort station) in the premises of Lokanarkavu Temple, for the period from 01.04.2025 till 31.03.2026. The petitioner has also sought for various reliefs against the conduct of Government

functions/programs inside the premises of Lokanarkavu Temple, including 'Chembai Sangeetha Mandapam' by the 5<sup>th</sup> respondent Grama Panchayat, obstructing the peaceful worship of the devotees, removal of hoardings installed by the 5<sup>th</sup> respondent Grama Panchayat in the temple premises declaring the temple as a tourist place, etc.

4. The document marked as Ext.P6 is a photograph of a public meeting conducted at 'Chembai Sangeetha Mandapam', inside the premises of Lokanarkavu Temple, by the 5<sup>th</sup> respondent Grama Panchayat in connection with 'Haritha Kerala Mission - Lokanarkavu Haritha Tourism'. The said photograph is extracted hereunder;



5. The document marked as Ext.P7 is two photographs of the flex boards/hoardings exhibited in the premises of

Lokanarkavu Temple by the 5<sup>th</sup> respondent Grama Panchayat, in which it is written as 'Villiappally Grama Panchayat - Lokanarkavu Haritha Vinoda Sancharakendram'. Ext.P7 photographs are extracted hereunder;



6. The learned Standing Counsel for Malabar Devaswom Board and also the learned Standing Counsel for Villiappally Grama Panchayat seek time to get instructions.

7. Lokanarkavu Temple is a controlled institution under the 1<sup>st</sup> respondent Malabar Devaswom Board. In view of the statutory provisions contained in the Madras Hindu Religious and Charitable Endowments Act, 1951, it is the duty of the 4<sup>th</sup> respondent Trustee Board of Lokanarkavu Temple to be faithful to the Devaswom and manage, protect and safeguard the interests and properties of the Devaswom, with reasonable diligence. The Malabar Devaswom Board and its officials are duty-bound to exercise their supervisory control in order to ensure that the interests and properties of the Devaswom are protected and safeguarded by its trustees and the employees of the Devaswom.

8. This Court had occasion to deal with the construction of toilet blocks by the Local Self Government Institutions in the premises of temples, which are controlled institutions under the Malabar Devaswom Board. See: **P.N.Sreeraman v. Secretary, Cherpulassery Municipality and others [2023:KER:84407]**, **Padmakumar P. and another v. Secretary, Sreekrishnapuram Block Panchayat and others [2024:KER:72797]**, etc.

9. This Court had occasion to consider a complaint regarding installation of flex boards complimenting the Travancore Devaswom Board and the State Government for granting permission to conduct Annadhanam for Sabarimala pilgrims in Thuravur Mahakshethram, which is a temple under the management of the Travancore Devaswom Board, in DBP No.126 of 2024. That matter was disposed of by the order dated 18.12.2024 – **P.S. Sreekumar v. State of Kerala and others [2024:KER:98169]**, wherein it was held that such flex boards cannot be placed in the premises of Thuravur Mahaksethram, which is a place of public worship, where the devotees exercise their right to worship in an accustomed manner and subject to the practice and tradition of that temple.

10. In **Travancore Devaswom Board v. Mohanan Nair [(2013) 3 KLT 132]** a Division Bench of this Court noticed that in **A.A. Gopalakrishnan v. Cochin Devaswom Board [(2007) 7 SCC 482]** a Three-Judge Bench of the Apex Court emphasised that it is the duty of the courts to protect and safeguard the interest and properties of the religious and charitable institutions. The Division Bench further noticed that the relevant principles under the Hindu law will show that the deity is always treated similar to that of a minor and there are some points of similarity



between a minor and a Hindu idol. The High Court is the guardian of the deity and apart from the revisional jurisdiction under Section 103 of the Kerala Land Reforms Act, 1963, the High Court has inherent jurisdiction and the doctrine of *parens patriae* will also apply in exercising the jurisdiction.

11. Having considered the materials on record and also the submissions made at the Bar, we deem it appropriate to stay the operation and all further proceedings pursuant to Ext.P2 auction notice dated nil issued by the 5<sup>th</sup> respondent Grama Panchayat, for a period of one month, subject to the condition that the comfort station constructed in the premises of Lokanarkavu Temple shall be under the control of the temple management, which shall be maintained clean and tidy, for the benefit of the devotees.

12. During the course of arguments, the learned Standing Counsel for the 5<sup>th</sup> respondent Grama Panchayat would submit that the Grama Panchayat is prepared to remove the hoardings installed in the temple premises today itself.

13. Having considered the submissions made at the Bar, we deem it appropriate to direct the Secretary of the 5<sup>th</sup> respondent Grama Panchayat to take necessary steps to ensure that the hoardings installed in the temple premises by the Grama Panchayat are removed forthwith from the temple premises. It is

also ordered that 'Chembai Sangeetha Mandapam' inside the premises of Lokanarkavu Temple shall be used only for programs in connection with temple festival and ceremonies, since it is within the temple premises, where the devotees exercise their right to worship in an accustomed manner and subject to the practice and tradition of that temple.

List on 11.03.2025.

**Sd/-**  
**ANIL K. NARENDRA, JUDGE**

**Sd/-**  
**MURALEE KRISHNA S., JUDGE**

DSV





**APPENDIX OF WP(C) 8620/2025**

<b>Exhibit P2</b>	<b>A TRUE COPY OF THE AUCTION NOTICE DATED NIL ISSUED BY THE 5TH RESPONDENT</b>
<b>Exhibit P6</b>	<b>A TRUE COPY OF THE PHOTOGRAPHS OF THE EVENT HELD ON 01.11.2024 INSIDE THE TEMPLE PREMISES</b>
<b>Exhibit P7</b>	<b>A TRUE COPY OF THE PHOTOGRAPHS OF THE FLEX BOARDS EXHIBITED IN THE PREMISES OF THE TEMPLE BY THE 5TH RESPONDENT</b>

