



W.P(C).No.44515/2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR.JUSTICE K. V. JAYAKUMAR

MONDAY, THE 23RD DAY OF MARCH 2026 / 2ND CHAITHRA, 1948

WP (C) NO. 44515 OF 2025

PETITIONER:

EDAMANA VASUDEVAN NAMBOOTHIRI
AGED 54 YEARS,
S/O.E.NARAYANAN NAMBOOTHIRI, RESIDING AT SREE
PADMANABHA, PALAPARAMBIL, POOMKUNNAM, THRISSUR,
WORKING AS MANAGER, SREEANNAPOORNESHWARI TEMPLE,
PUTHUCODE, PALAKKAD DISTRICT, PIN - 678687

BY ADVS.
SRI.K.MOHANAKANNAN
SHRI.ADARSH MOHAN K.

RESPONDENTS:

- 1 MALABAR DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, HOUSEFED COMPLEX,
ERANHIPALAM, KOZHIKODE, PIN - 673006
- 2 THE COMMISSIONER
MALABAR DEVASWOMBOARD,HOUSEFED COMPLEX,
ERANHIPALAM, KOZHIKODE, PIN - 673006
- 3 THE ASSISTANT COMMISSIONER
MALABAR DEVASWOM BOARD, PALAKKAD DIVISION,
CIVIL STATION, PALAKKAD, PIN - 678001



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- 4 R.RADMESH
EXECUTIVE OFFICER, SREE MULAYANKAVU BHAGAVATHI
DEVASWOM, MULAYANKAVU PO, KULUKALLUR,
PALAKKAD DISTRICT, PIN - 679337
- 5 N.PRAMOD
S/O.NARAYANAN EMBRANTHIRI, 9/357, NORTH VILLAGE,
PUTHUKODE, PALAKKAD DISTRICT, PIN - 678687
- 6 ACHUTHABHARATHISWAMIYAR,
S/O.NARAYANAN NAMBOOTHIRI, RESIDING AT NADUVIL MADAM,
THEKKEMADAM ROAD, THRISSUR

IS IMPLEADED AS ADDITIONAL 6TH RESPONDENT AS PER I.A.
NO.3 OF 2026 DATED 02.03.2026

BY ADVS.

SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD

SMT.NISHA GEORGE

SRI.H.PRAVEEN (KOTTARAKARA)

SHRI.SIDHARTH.R.WARIYAR

SMT.KEERTHI M.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23.03.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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C.R.

JUDGMENT

K. V. Jayakumar, J.

This Writ Petition is filed under Article 226 of the Constitution of India.

2. The petitioner, Sri. Edamana Vasudevan Namboothiri is the Manager of Naduvilmadom group of temples, which consists of 18 temples spread over the Malabar area. Naduvilmadom is a mutt coming under the Madras Hindu Religious and Charitable Endowments Act (for the sake of brevity, 'the HR & CE Act').

3. Ext.P1 scheme was framed on 03.09.1936 for the administration of these 18 temples. The petitioner contends that, as per Clause (3) of the said Scheme, the Mooppil Swamiyar is the hereditary trustee and the Manager appointed by him is empowered to administer those temples. One of the temples out of the 18 temples is the Sree Annapoorneswari temple, Puthucode.

4. The petitioner herein is the Manager of the aforesaid temple appointed by the hereditary trustee pursuant to Ext.P1 scheme. The petitioner states that the 3rd respondent, Assistant Commissioner, Malabar Devaswom Board, has issued a notice dated 16.12.2021, pointing out that an inspection was conducted by the Divisional Inspector, Palakkad, on 17.11.2021 and noted certain defects in the administration of the Temple,



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and those defects are to be rectified. The petitioner contends that the inspection was conducted without any notice to the petitioner. Certain remedial measures were also suggested in the said notice, regarding the maintenance of accounts, counting of money etc. It is also suggested that committees for different purposes are to be formed with full participation of the devotees and the accounts have to be submitted for audit.

5. Thereafter, the Devaswom has filed a report stating that all the records and the registers are being kept intact, and it can be verified at any time. The delay for the conduct of the audit was also explained stating that, the entire files were kept in Thiruvallathur temple coming under the group, which was taken over by the Board. Moreover, the festival committee was constituted as permitted by the Board and the Kumbabhisheka committee was approved by the Assistant Commissioner on 11.10.2021.

6. The petitioner further contends that the Assistant Commissioner has appointed the fourth respondent, Sri.R. Radmesh, as the Executive Officer without hearing the Hereditary Trustee and the petitioner. Ext.P2 is the copy of the said order dated 30.05.2022. The said appointment was subject to ratification by the Commissioner.

7. Thereafter, the petitioner received another communication, which was produced and marked as Ext.P3, issued by the Commissioner dated 13.06.2022, approving the appointment of Sri. Radmesh as the Executive Officer. In the meanwhile, the Hereditary Trustee (Mooppil Swamiyar) has challenged the correctness of Ext.P2 by filing Writ Petition (C) No. 19403 of 2022 before this Court. By Ext.P4 judgment rendered by



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this Court dated 07.12.2022, Exts. P2 and P3 Orders were upheld and this Court observed that the administration of Sree Annapoorneswari temple shall strictly be done in accordance with the scheme and the role of Manager appointed as per Ext.P4 (Ext.P2 in this petition) is only to assist the Manager of the temple appointed by the trustee and not to replace him.

8. It is further contended that the 4th respondent, Sri. Radmesh continued as Manager appointed by the Malabar Devaswom Board, and he was co-operating with the administration by the petitioner. While so, the 5th respondent, Sri. Pramod moved another writ petition as WP(C) No. 45827/2024, alleging that the copper plates of the temple were sold illegally. Ext.P5 is the copy of the judgment in the said writ petition dated 25.07.2025, whereby this Court held that those plates were sold in public auction in the presence of the officer appointed by the Divisional Inspector and the Executive Officer and thereby declined to grant the relief sought for in the writ petition.

9. The writ petitioner further asserts that by Ext.P6 order issued by the Commissioner dated 15.10.2025, whereby, Sri. Radmesh was appointed as a full-time Executive Officer of the temple. The petitioner objected to the same and submitted Ext.P7 representation, specifically pointing out that, in view of Ext.P4 judgment passed by this Court, Ext.P6 order is illegal and unsustainable. Thereafter, the Commissioner issued an Ext.P8 order dated 24.11.2025, directing the petitioner to hand over the charge to the 4th respondent within a week. On 25.11.2025, the Executive Officer issued a communication to the petitioner, stating that he assumed the charge of Sree



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Annappoorneswari temple, directing the petitioner to hand over the registers, records and valuables on the next day, ie., 26.11.2025. It is in this backdrop that the petitioner approached this Court seeking the following relief:

“(i) To issue a writ of certiorari or any other appropriate writ order or direction calling for the records leadings to Exts.P6, P8 and P9 and quash the same.”

10. The 2nd respondent has placed on record a counter-affidavit as directed by this Court. It is stated in the counter affidavit that, as per clause (3) of Ext.P1 scheme, the Board has the authority to make an appointment of a Manager for 5 years with the concurrence of the trustee. Further, the Board has the authority to remove the Manager for sufficient reasons as provided under Clause (4) of the scheme. It is submitted that the petitioner was appointed as Manager by the trustee without obtaining approval from the Board.

11. It is not known whether the Manager had furnished any security as stipulated in Clause (5) of Ext.P1 scheme. According to the 2nd respondent, the appointment of the petitioner itself is in violation of Clause (3) of the scheme. The administration of the temple is vested with the Trustee, and therefore, he is a necessary party to the writ petition. The petitioner, who is the Manager of the temple, has no *locus standi* to file the writ petition.

12. It is contended that Ext.P6 order was issued in compliance with the judgment of this Court in WP(C) No. 45827/2024 dated 25.07.2025



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(Ext.P5). In the said writ petition, Sri. N. Pramod has raised allegations of mismanagement and misappropriation by the temple administration.

13. It is further contended in the counter that, if the petitioner is aggrieved by Exts. P6 and P8, the remedy available is to file a revision before the Government. In view of the availability of an alternative efficacious remedy, the writ petition is not maintainable.

14. The 2nd respondent asserted that Sri. Annappoorneswari temple is not a listed temple under Section 38 of the HR & CE Act and therefore, the Assistant Commissioner Malabar Devaswom Board, Palakkad, has ample power to oversee the temple administration under Section 11 of the HR & CE Act.

15. It is further contended that the petitioner had not furnished the budget and the accounts as provided in clauses (7) and (10) of the Ext.P1 scheme. It is further stated that the accounts of the temple from 2006-2024 were not furnished for audit and the accounts from 2006-2023 were audited only in 2024. The temple is not maintaining proper accounts and registers as per the scheme and the statute. There are no registers of inventories of gold, silver, etc.. In 2023, gold weighing 824.55 grams and silver weighing 1276.85 grams were lost from the temple and no explanation is offered by the temple administration. Those valuables are to be in the joint custody of the Trustee and the Manager as per rules (4) under Section 36 and Section 100(2)(1) of the HR & CE Act. Furthermore, there was no register of hundials. The opening and counting of hundial proceeds were made in violation of the circular issued by the Commissioner in compliance to the



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judgment in O.P.No.631/1991 of this Court.

16. Ext.R2(1) is the copy of the Audit Report of the temple for the period from 2006 to 2023 issued by the Deputy Director, Kerala State Audit Department. The respondent has also produced Ext.R2(2) communication issued by the Deputy Director, Kerala State Audit Department to the 2nd respondent. It is further stated in the counter that the present income of the temple is Crores of rupees, but the temple is not maintaining proper registers and accounts as per the Act and Rules. The writ petitioner was not ready to mend the ways and thus the Executive Officer submitted Ext.R2(4) report dated 10.07.2023 to the 2nd respondent. The Commissioner has passed Ext.P6 order due to the adamant stand adopted by the writ petitioner, not to comply with the bona fide directions issued to get the temple administration streamlined, as directed by this Court. It is contended that since the writ petitioner was not ready to administer the temple as provided in the scheme, even after Ext.P4 judgment, he had no right to claim the beneficial part of the judgment.

17. It is submitted that the administration of the temple has plunged to the worst, as evident from the audit report. In short, it is contended that Ext.P6, P7 and P9 orders are lawful and liable to be sustained.

18. The 5th respondent has also placed on record a counter-affidavit as directed by this Court. In his counter, it is stated that the petitioner has approached this Court suppressing the material facts and the Writ Petition is liable to be dismissed *in limine*. The 5th respondent, Sri. N. Pramod contended that there are several instances of mismanagement in Sree



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Annapoorneshwari Temple, Puthucode. He approached various authorities of the Malabar Devaswom Board and made several complaints regarding the mismanagement and maladministration of the temple. The 5th respondent approached this Court and instituted WP(C) No. 16806 of 2020. Ext.R5(a) is the judgment of this Court in that writ petition, dated 17.08.2020.

19. It is contended that after Ext.R5(a), the verdict of this Court, the Assistant Commissioner called upon the petitioner to take steps to audit accounts of the temple. However, despite repeated requests, the audit was not conducted. Thereafter, the 5th respondent preferred a Writ Petition WP(C) No. 26295/2020 before this Court, which was dismissed by Ext.R5(b) judgment dated 22.01.2021.

20. It is stated in the counter that since the affairs of the temple are being conducted in an improper manner, the Malabar Devaswom Board appointed the 4th respondent as the Manager in the temple vide Ext.P2 order. Ext.P2 was challenged by the Trustee of Naduvilmadom by filing WP(C) No. 19403/2022, wherein the 5th respondent got himself impleaded and highlighted the instances of malfeasance in the temple. The Writ Petition was disposed of by Ext.P4 judgment, upholding the appointment of the 4th respondent, clarifying that such appointment does not replace the petitioner and that the 4th respondent is appointed for the purpose of assisting the petitioner in matters of administration of the temple and to see that the management of the temple is done in a proper way.

21. Despite the directions of this Court, the petitioner failed to submit the accounts for audit. The 5th respondent again approached this



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Court, highlighting the continued instances of mismanagement and instituted Writ Petition as WP(C) No.28664/2023, seeking necessary action on the representation submitted by him and the removal of the petitioner from office. The said writ petition was disposed of with a direction to the 5th respondent to approach the Commissioner with a proper application under Section 18 of the HR & CE Act. Ext.R5(c) is a copy of the judgment of this Court dated 17.11.2023, in WP(C) No.28664 of 2023.

22. The 5th respondent preferred a R.P. No. 1 of 2024 before the 2nd respondent Commissioner. Ext.R5(d) is the order passed in the said RP. During the pendency of the Revision Petition, a special team was constituted to conduct a detailed enquiry into the allegations. The special team was headed by Assistant Commissioner, Malappuram. In Ext.R5(d) order of the 2nd respondent, several discrepancies and instances of mismanagement were noted. Inter alia, receipts were distributed without the seal of the Devaswom Board, and amounts collected were not deposited in the Bank.

23. Pursuant to the directions contained in Ext.R5(d) order, the Assistant Commissioner conducted an inspection on 27.08.2024 and submitted Ext.R5(e) report dated 31.08.2024. In Ext.R5(e) report, the assistant Commissioner has reported that amounts were disbursed in excess to the employees of the temple without the knowledge of the 4th respondent. Moreover, it is noted that, though amounts were withdrawn for COVID relief, only a portion was disbursed and the remaining portion was retained by the Karyasthan/Clerk.

24. It is further contended that pursuant to Ext.R5(e) report, the



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Commissioner issued Ext.R5(f) letter dated 09.10.2024. The respondent further stated that he preferred WP(C) No. 45827/2024 before this Court, challenging the public auction of copper plates removed as part of the renovation of the temple. The said Writ Petition was disposed of by this Court by Ext.P5 judgment. Pursuant to Ext.P5 judgment, a hearing was conducted on 30.08.2025 and the Commissioner conducted an inspection in the temple on 12.09.2025 and a further hearing was conducted on 16.09.2025. Thereafter, Ext.P6 order was passed on specific findings of mismanagement, including loss of gold. According to the 5th respondent, Ext.P6 order is to be sustained and the 4th respondent may be permitted to assume office as Executive Officer of the temple with full charge.

25. The petitioner has filed separate reply affidavits refuting the contentions raised in the counter affidavits of respondent Nos. 2 and 5. It is stated in the reply affidavits that it is the bounden duty of the Board to ensure that the audit of the accounts is verified. All the objections in Ext.R2(1) audit report are suitably answered by the petitioner as per Ext.P10 reply dated 21.04.2025, submitted by him.

26. It is further stated in the reply affidavit that the Assistant Commissioner has approved the budget of the year 2025 on 30.07.2025 for an amount of Rs. 66,12,550/- as evident from Ext.P11 proceedings.

The submissions of the learned counsel for the petitioner

27. Sri. K. Mohanakannan, the learned counsel for the petitioner, submitted that Ext.P6 and P8 orders passed by the 2nd respondent



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Commissioner are legally unsustainable and liable to be quashed. There is no provision in the HR & CE Act which empowers the Assistant Commissioner to intermeddle in the affairs of a temple administered by a hereditary trustee through its Manager. Furthermore, there is no provision for the ratification of an order passed by the Assistant Commissioner by the Commissioner. The learned counsel submitted that there is political interference in the matter at the highest level and, consequently, Ext. P6 order has been passed with a view to ensuring that the temple is taken over by the Malabar Devaswom Board.

28. Ext.P6 order issued by the Commissioner, Malabar Devaswom Board, dated 15.10.2025, appointing Sri. Radmesh, the 4th respondent as a full-time Executive Officer of a temple, is illegal and unsustainable in view of the judgment in **Parakkad Sree Bagavathi Devaswom v. Malabar Devaswom Board**¹.

29. The learned counsel for the petitioner further submitted that Ext.P6 order has been issued after setting the Hereditary Trustee ex parte, despite there being a stipulation in Ext.P1 scheme that the trustee can be represented by the Manager appointed by him. The findings in Ext.P6 as to the audit of the accounts are without any basis. The copies of the different reports mentioned in Ext.P6 were not furnished to the trustee or the Manager.

30. Ext.P6 order was issued by the Commissioner violating directions issued by this Court in Ext.P4 judgment, wherein it is made clear

¹ 2010(4) KLT 568



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that the administration of the temple is to be carried out in accordance with Ext.P1 scheme and the role of the Manager appointed as per Ext.P4 in that writ petition is only to assist the Manager of the temple appointed by the Trustee and not to replace him. Exts.P6 and P8 orders are contemptuous, as it violated the directions of this Court.

31. The so-called assumption of charge by the 4th respondent, as intimated to the petitioner vide Ext.P9 communication, is illegal and non-est in the eyes of law.

32. Section 20 of the HR & CE Act cannot be invoked to the facts of the instant case. Ext.P6 order is silent about the facts and circumstances warranting the issuance of such an order.

33. The directions issued by this Court in Ext.P4 judgment are binding on the 5th respondent also, and therefore, he cannot seek removal of the trustee.

The submissions of the learned Standing Counsel for Malabar Devaswom Board.

34. Smt. Ranjanie, the learned Standing Counsel for Malabar Devaswom Board, would submit that Exts.P6 and P8 orders are perfectly valid and legal. Those orders are passed under Section 20 of the HR & CE Act for the protection of the interest of the deity and the devotees and in accordance with the directions issued by this Court in Ext.P5 judgment.

35. She further submitted that the Commissioner was constrained to pass Ext.P6 order appointing the respondent No.4 as full-time Executive



Officer, due to the continuous maladministration and misfeasance of the affairs of the temple by the petitioner. It is pointed out that the petitioner administered the temple for the past several years without maintaining the necessary registers, without rendering proper accounts and audits. There are instances wherein the valuables like gold, silver, etc., were lost. Ext. R2(1), Audit Report would point out several irregularities, misappropriation and mismanagement in the temple by the writ petitioner. Despite several directions issued by the officers of the Board, the petitioner is turning a deaf ear to the directions.

The submissions of the 5th respondent

36. Sri. Nisha George, the learned counsel for the 5th respondent, supported the contentions of the Board and submitted that Ext.P6 order is sustainable in law.

Judicial evaluation

37. The learned counsel for the 2nd respondent has advanced two preliminary objections as to the maintainability of the writ petition. Firstly, Ext. P6 order passed by the Commissioner is revisable, and in view of the specific provision for revision under Section 99 of the HR & CE Act, the writ petition is not maintainable.

38. It is trite law that the availability of an alternative remedy, by itself, is not a ground to dismiss a writ petition. A writ court exercising judicial review under Article 226 of the Constitution of India has ample



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power to exercise its jurisdiction, notwithstanding the availability of an alternative remedy to the petitioner.

39. The second submission as to the maintainability of the writ petition is that it is bad for the non-joinder of necessary parties. During the pendency of the writ petition, the trustee (Naduvilmadom Mooppil Swamiyar) was impleaded as the additional 6th respondent as per the order in I.A. No. 3 of 2026. The Trustee of the temple, Sri. Naduvilmadom Mooppil Swamiyar, has filed an affidavit supporting the contentions of the writ petitioner. He has affirmed that the petitioner in the writ petition is the Manager duly appointed under the scheme and that he is administering the affairs of the temple properly.

40. In the light of the above discussion, we hold that the writ petition is maintainable.

41. The main challenge in this writ petition is that Ext.P6 order issued by the Commissioner is not legally sustainable. The said order was issued invoking Section 20 of the HR & CE Act, whereby the respondent No.4, Sri. Radmesh is appointed as a full-time Executive Officer of the temple. The impugned order was passed purportedly in compliance with Ext.P5 judgment of this Court.

42. It is stated in Ext.P6 order that the said appointment is for ensuring the transparent administration of Sri. Puthucode Annapoorneswari temple.

43. According to the learned counsel for the petitioner, the Commissioner, Malabar Devaswom Board has no power under Section 20 of



the HR & CE Act, to appoint a full-time Executive Officer in a temple which is administered by a trustee. The learned counsel pointed out that the issuance of Ext.P6 order is an implied taking over of the temple in violation of the directions issued by this Court in Ext.P4 judgment and against the statutory provisions of the HR & CE Act and Ext.P1 scheme. Before we proceed to discuss the factual issues, it would be apposite to extract the relevant provision of the statute. Sections 8B, 20, and 45 of the HR & CE Act is extracted hereunder:

“8B. Assumption of the direct administration of religious institutions, supervision of temple employees and welfare fund scheme.

(1)The Board shall have the power to assume the direct management of any religious institution provided the trustees request the Board to take over its management unconditionally.

(2)The Board shall have the power to fix and regulate the service conditions and pay structure of the Officers and Employees of the temples from time to time and to supervise its implementation.

(3)The Board may maintain Welfare Fund Scheme for the benefits of the Officers and Employees of the temples in the manner as may be prescribed.

20. Powers and duties of the Commissioner in respect of religious endowments.

Subject to the provisions of this Act, the administration of all religious endowments shall be subject to the general superintendence and control of the Commissioner; and such superintendence and control shall include the power to pass any orders which may be deemed necessary to ensure that such endowments are properly administered and that their income is duly appropriated for the purposes for which they were founded or exist.

45. Power to suspend, remove or dismiss trustees



(1) The Deputy Commissioner in the case of any religious institution over which an Area Committee has jurisdiction, and the Commissioner in the case of any other religious institution, may suspend, remove or dismiss any hereditary or non-hereditary trustee or trustees thereof--

(a) for persistent default in the submission of budgets, accounts, reports or returns, or

(b) for wilful disobedience of any lawful order issued under the provisions of this Act by the State Government, the Commissioner or Deputy Commissioner, the Area Committee or the Assistant Commissioner, or

(c) for any malfeasance, misfeasance, breach of trust or neglect of duty in respect of the trust, or

(d) for any misappropriation of, or improper dealing with, the properties of the institution, or

(e) for unsoundness of mind or other mental or physical defect or infirmity which unfits him for discharging the functions of the trustee.

(2) When it is proposed to take action under sub-section (1), the Commissioner or the Deputy Commissioner, as the case may be, shall frame charges against the trustee concerned and give him an opportunity of meeting such charges, of testing the evidence in his favour; and the order of suspension, removal or dismissal shall state the charges framed against the trustee, his explanation and the finding on each charge with the reasons therefor:

Provided that the Deputy Commissioner shall also consult the Area Committee before passing the final order under sub-section (1).



(3) Pending the disposal of the charges framed against the trustee, the Commissioner or the Deputy Commissioner may place the trustee under suspension and appoint a fit person to discharge the functions of the trustee.

(4) It shall be open to an Assistant Commissioner to move the Deputy Commissioner to take action under sub-section (1) in respect of any trustee of an institution over which an Area Committee has jurisdiction, and to place the trustee under suspension pending the orders of the Deputy Commissioner under sub-section (3).

(5) A trustee who is suspended, removed or dismissed under sub-section (1) may, within one month from the date of the receipt of the order of suspension, removal or dismissal, appeal against the order to the Commissioner if it was passed by a Deputy Commissioner, and to the State Government if it was passed by the Commissioner.”

44. Section 8B (1) of the HR & CE Act empowers the Board to assume the direct management of any religious institutions on the basis of the unconditional request of the trustee. This is a drastic power invested with the Board to take over the direct administration of a temple, which could be exercised only on the unconditional requests of the trustee.

45. Section 45 of the HR & CE Act empowers the Commissioner/Deputy Commissioner to suspend, remove or dismiss any hereditary or non-hereditary trustees of any religious institution on satisfaction of the grounds stated in clauses (a) to (e).

46. Before invoking the powers under Sub-Section (1) of Section 45, the Commissioner/ Deputy Commissioner shall frame charges against the trustee concerned and give him an opportunity to defend the charges as



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mandated under Sub Clause (2).

47. An order passed under sub-section (1) shall state the charges framed against the trustee, his explanation, and the findings on each charge, along with the reasons thereof.

48. Sub Clause (5) of Section 45 provides a statutory appeal against an order passed under Sub Section (1).

49. In the instant case, Ext.P6 order was issued not under Section 8B(2) or Section 45(1) of the HR & CE Act. Even though Ext.P6 order states that the temple is not administered properly and there is continuous mismanagement, malfeasance and misfeasance, no charge was framed under Section 45(2) of the HR & CE Act.

50. The power vested under Section 8B(2) can be invoked only on the contingency stated therein.

51. According to the learned counsel for the petitioner Ext. P6 order is an implied taking over and the assumption of the management of the temple purportedly in exercise of powers under Section 20 of the HR & CE Act. Now we shall proceed to examine the scope and ambit of Section 20 of the HR & CE Act.

52. In **A.C. Bhanunni v. Hindu Religious & Charitable Endowments (Admn.) Department**² this Court had occasion to examine the scope and ambit of Section 20 of the HR & CE Act in detail. A coordinate Bench of this Court in **A.C. Bhanunni** (supra) observed that the hereditary trustee is not under the absolute control or is an employee of the

² 2011 SCC OnLine Ker 2907



Board.

53. The learned counsel for the petitioner by referring to the above dictum, would submit that the appointment of the 4th respondent as full-time Executive Officer is against the dictum laid down in **A.C. Bhanunni** (supra) and in express violation of the directions issued by this Court in Ext.P4 judgment. The learned counsel has invited the attention of Ext.P4 judgment, which reads as under:

“17. In Ext.P4, it is stated that in order to ensure proper administration of the temple and to give necessary instructions to the Manager in the Annapoorneswari Temple, the 4th respondent was appointed as the Manager. Such an appointment cannot have the effect of displacing the powers of the Manager appointed by the Trustee. Therefore, the appointment of the 4th respondent as a Manager is for the purpose of assisting the Manager appointed by the Trustee in the matters of administration of the Temple and to see that the management of the Temple is being done in a proper way. Therefore the appointment as per Ext.P4 cannot be termed as a paid full time Manager in the temple by the Board. Therefore the appointment as per Ext.P4 is not against the law laid down in Parakkad Sree Bhagavathi Devaswom (supra).

18. In the circumstances, we hold that the petitioner is not entitled to get Ext.P4 or Ext.P7 quashed. We however, make it clear that the administration of Sree Annapoorneswari Temple shall strictly be done in accordance with Ext.P1 scheme and the role of the Manager appointed as per Ext.P4 is only to assist the Manager of the Temple appointed by the Trustee, and not to replace him.”

54. In Ext.P4 judgment, this Court has placed reliance on the judgment in **Parakkad Sree Bhagavathi Devaswom** (Supra), wherein it was observed that when the power to appoint Manager is with the Trustee as per the scheme, the provisions of the HR & CE Act enable the competent



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authority only to supervise the affairs of the temple. Further, the Board does not wield the power of appointment of a Manager.

55. We have carefully gone through Ext.P1 scheme framed for the administration of the temple dated 03.09.1936. The said scheme was framed as per Section 68 of the Act 11 of 1927 for the administration of 18 temples coming under the control of Naduvilmadam.

56. Clause (3) of the scheme provides that a Manager is to be appointed for the administration of the affairs of the temple by the head of Mutt (Madathipathy). Clause (4) states that the term of the Manager is five years, which can be extended further.

57. Clause (10) of the scheme stipulates that the Manager shall prepare a budget in advance and forward it to the Madathipathy. Clause (12) would further state that the stipulations included in the Ext.P1 scheme would not in any way curtail the rights of the Mooppil Swamiyar.

58. The main challenge in this writ petition is the appointment of the 4th respondent, Sri. Radmesh, as full-time Executive Officer of Sree Annapoorneswari temple, Puthucode. It is stated in the said order that the Manager appointed by the Trustee/Madathipathy shall conduct the administration of the temple as per the guidelines issued by the Executive Officer. It would be useful to extract the relevant portion of Ext.P6 order:

“ക്ഷേത്രഭരണത്തിൽ ട്രസ്റ്റി നിയമിച്ചിരുന്ന മാനേജർമാരുടെ ഭാഗത്തു നിയമപരമായ ഉത്തരവാദിത്തങ്ങൾ നിർവ്വഹിക്കുന്നതിൽ വരുത്തിയിട്ടുള്ള വീഴ്ചകളാണ് ഹരജിക്കാരൻ തന്നെ ഫയൽ ചെയ്ത WP(C) No. 16806/2020 ന് അടിസ്ഥാനം പ്രസ്തുത കേസിൽ 17.08.2020 ൽ പുറപ്പെടുവിക്കപ്പെട്ട വിധിയിൽ ക്ഷേത്രഭരണം സംബന്ധിച്ച അന്വേഷണം നടത്തി നിയമപരമായ നടപടികൾ



സ്വീകരിക്കാൻ ബോർഡിന് അധികാരമുണ്ടെന്ന് നിരീക്ഷിച്ചിരുന്നതിന്റെ അടിസ്ഥാനത്തിൽ ക്ഷേത്രഭരണം സംബന്ധമായ പരാതികളിൽ അന്വേഷണം നടത്തി ക്ഷേത്രഭരണം നിയമാനുസൃതം ക്രമീകരിക്കുന്നതിന് നൽകിയിരുന്ന നിർദ്ദേശങ്ങൾ നടപ്പിലാക്കുന്നതിൽ മാനേജർ വരുത്തിയ വീഴ്ചയാണ് A3.3842/2021 30.05.2022ൽ ശ്രീ. രത്നേഷിനെ നിയമിക്കാൻ കാരണമായിരുന്നത്. WP(c)No.12403/2022 തീയതി 07-12-2022 വിധിയിലെ നിർദ്ദേശം പാലിച്ച് ശ്രീ രത്നേഷിന്റെ സേവനം 05-02-2023 മുതൽ ലഭിച്ചിരുന്നിട്ടും ക്ഷേത്രഭരണം നിയമപരവും സുതാര്യവുമാക്കാനുള്ള നടപടികൾക്കു ഉപയോഗപ്പെട്ടിട്ടില്ലെന്നും, ക്ഷേത്രഭരണം നിയമപരമാക്കുന്ന കാര്യത്തിൽ 06-07-2021 വരെ നിലവിലുണ്ടായിരുന്ന മാനേജർമാരുടെ ദുർഭരണം 07-07-2021 മുതൽ ചുമതല വഹിച്ചിരുന്ന വാസുദേവൻ നമ്പൂതിരിയുടെ കാലയളവിൽ ക്രമീകരിക്കപ്പെടണം എന്ന സദുദ്ദേശത്തോടെ നിയമിക്കപ്പെട്ട ശ്രീ രത്നേഷിന്റെ സഹായം 05.02.2023 മുതൽ ലഭ്യമായിട്ടും ക്ഷേത്രഭരണം നിയമാനുസൃതം ക്രമീകരിക്കാൻ ക്ഷേത്രം ട്രസ്റ്റിയോ അദ്ദേഹത്തിൽ നിയമിക്കപ്പെട്ട നിലവിലുള്ള മാനേജരോ ഒരു ശ്രമം പോലും നടത്തിയിട്ടില്ല എന്നതു 2006 മുതൽ 2023 വരെയുള്ള കണക്കുകളുടെ ഓഡിറ്റ് 12.08.2024 മുതൽ 20.08.2024 വരെയുള്ള ദിവസങ്ങളിൽ നടത്തി സമർപ്പിക്കപ്പെട്ട സംസ്ഥാന ഓഡിറ്റ് വകുപ്പിന്റെ KSA/MLP/4/737/2024 തീയതി 24-12-2024 ഓഡിറ്റ് റിപ്പോർട്ട് കൊണ്ട് വ്യക്തമാകുന്നു.

ക്ഷേത്രഭരണം നിയമപ്രകാരം ക്രമീകരിക്കാൻ നൽകിയ നിർദ്ദേശം നടപ്പിലാക്കാതെയും ക്ഷേത്രഭരണകാര്യങ്ങളിൽ അവബോധമുള്ള എക്സിക്യൂട്ടീവ് ഓഫീസറായ ശ്രീ രത്നേഷിന്റെ സഹായം നൽകിയിട്ടും ക്ഷേത്രഭരണത്തിൽ അല്പം പോലും ക്രമീകരണം വരുത്താൻ കൂട്ടാക്കാതെ സ്വന്തം ഇഷ്ടാനിഷ്ടങ്ങൾക്കനുസരിച്ചു ക്ഷേത്രഭരണം നടത്താൻ ട്രസ്റ്റിയാൽ നിയമിക്കപ്പെട്ട മാനേജരെ അനുവദിക്കുക വഴി ട്രസ്റ്റിയും ക്ഷേത്രത്തിന്റെ ദുർഭരണത്തിൽ കൂടുതലായി വർത്തിച്ചതായും കണക്കാക്കപ്പെടാനും ഇടയാക്കുന്നു. ക്ഷേത്ര കംഭാഭിഷേകത്തിന് വേണ്ടി രൂപീകരിക്കപ്പെട്ട കമ്മിറ്റിയുടെ നേതൃത്വത്തിൽ നടന്നു വരുന്ന പ്രവർത്തനങ്ങളിൽ കമ്മിറ്റിയുടെ പ്രവർത്തനം നിയമവിധേയമാക്കുന്നതിനു പകരം നിയമ വിരുദ്ധ പ്രവർത്തനങ്ങൾ നിയമവിധേയമായി നടക്കുന്നതായി തോന്നിപ്പിക്കുന്നതിന് ഉതകുന്ന രീതിയാണ് നിലവിലുള്ള മാനേജർ ആയ ശ്രീ എടമന വാസുദേവൻ നമ്പൂതിരിയും അവലംബിക്കുന്നത് എന്ന് നിർമ്മാണങ്ങൾ സംബന്ധിച്ച മേൽ പ്രസ്താവിക്കപ്പെട്ട നടപടി ക്രമങ്ങളിലെ വീഴ്ചകളിൽ നിന്ന് വ്യക്തമാകുന്നു.

മേൽ പ്രസ്താവിച്ച കാരണങ്ങളാൽ പാലക്കാട് അസിസ്റ്റന്റ് കമ്മീഷണറുടെ A3-3842/2021/MDB തീയതി 30.05.2022 പ്രകാരം നിലവിൽ മലബാർ ദേവസ്വം ബോർഡ് എക്സിക്യൂട്ടീവ് ഓഫീസറും ശ്രീ



പുതുക്കോട് അനപൂർണ്ണേശ്വരി ക്ഷേത്രം മാനേജരുമായി നിയമിക്കപ്പെട്ടിരുന്ന ശ്രീ.രദ്മേഷിനെ ഹിന്ദുമത ധർമ്മസ്ഥാപന നിയമത്തിലെ 20ആം വകുപ്പ് പ്രകാരം കമ്മീഷണറിൽ നിക്ഷിപ്തമായ അധികാരം ഉപയോഗിച്ച് ക്ഷേത്രഭരണം നിയമാനുസൃതം ക്രമീകരിക്കുന്നതിനും ക്ഷേത്രഭരണം സുതാര്യമാക്കി നടത്തപ്പെടുന്നതിനുമായി ശ്രീ പുതുക്കോട് അനപൂർണ്ണേശ്വരി ക്ഷേത്രം എക്സിക്യൂട്ടീവ് ഓഫീസറായി പൂർണ്ണ അധിക ചുമതലയിൽ നിയമിച്ചുകൊണ്ട് ഇതിനാൽ ഉത്തരവാകുന്നു. ട്രസ്റ്റി/മാധ്യപതി നിയമിച്ച മാനേജർ എക്സിക്യൂട്ടീവ് ഓഫീസറുടെ മാർഗ്ഗനിർദ്ദേശങ്ങൾക്കനുസരിച്ച് ക്ഷേത്രഭരണം ക്രമീകരിക്കേണ്ടതാണ്. മേൽപ്രകാരം ഹരജി തീർപ്പാക്കി ബഹു.ഹൈക്കോടതി വിധി നടപ്പിലാക്കുന്നു.”

59. Ext.P6 order was issued in order to regularise the temple administration and to make it transparent.

60. This Court, in the earlier round of litigation, by Ext.P4 judgment, made it clear that the role of the Manager appointed by the Devaswom Board is only to assist the Manager of the temple appointed by the Trustee and not to replace him. However, by Ext.P6 order, the Commissioner appointed Sri Radmesh as the full-time Executive Officer of the temple, with a direction that the Manager appointed by the Trustee shall act in accordance with the guidelines issued by the Executive Officer.

61. The said direction in Ext.P6 order is in clear violation of Ext.P4 judgment of this Court. Ext.P6 would curtail, abridge, and usurp the powers of the Manager appointed by the Trustee, Naduvilmadom Mooppil Swamiyar.

62. In **Parakkad Sree Bhagavathi Devaswom**(supra), this Court laid down that the Board cannot appoint a Manager to totally take over the administration of the temple from the trustee, unless a notification under



Section 64 of the HR and CE Act is issued by the Government. In **A.C. Bhanunni** (supra), this Court held that a hereditary trustee is not under the absolute control or an employee of the Board. A hereditary trustee is not a subordinate of the Board, on the mere fact that supervisory powers are given to the Board and its officers.

63. In the instant case, the Board alleges that there is mismanagement and maladministration in the temple. The registers and books of accounts are not properly maintained and are not subjected to timely audit. The Board has also noted certain complaints regarding the loss of valuables such as gold and silver.

64. On a careful consideration of the submissions of counsel for the parties, the pleadings, and the materials placed on record, we are of the considered view that Ext.P6 order has been issued not in accordance with the law laid down by this Court in **Parakkad Sree Bhagavathi** (supra) and **A.C. Bhanunni** (supra), and the directions issued by this Court in Ext.P4 judgment. The directions in Ext.P6 order that the Manager appointed by the Trustee shall act in accordance with the guidelines issued by the full-time Executive Officer would certainly curtail, restrict, limit and usurp the powers of the Manager appointed by the Trustee.

65. The powers vested in the Board under Section 20 of the HR & CE Act are to pass such orders for the supervision of the affairs of the temple. The powers conferred on the Commissioner under Section 20 of the Act are subject to the other provisions of the Act, and consist of general superintendence and control over the administration of religious



endowments so as to ensure proper administration and due appropriation of the income. The word superintendence is not defined in the Act.

66. P. Ramanatha Aiyar's 'Advanced Law Lexicon defines the word "Superintendence" in the following manner:

"Superintendence - means the act of superintending, care, and oversight, for the purpose of direction, and with authority to direct."

67. The words "superintendence" and "control" presuppose two authorities, i.e., one authority to exercise the powers and discharge the duties, and another authority to supervise and control the affairs of the former.

68. In the instant case, the authority invested with the powers of superintendence and control has appointed an Executive Officer to discharge the duties of the original authority. The word "superintendence and control" are not defined in the HR & CE Act. Therefore, those words should be interpreted in its general and literal meaning.

69. If there is maladministration, misfeasance or mismanagement by the Manager of the temple, who is acting for and on behalf of the Trustee appointed as per Ext.P1 scheme, it is open for the Board to act in accordance with Section 45 of the Act. But the Board has not opted to invoke Section 45 of the HR & CE Act; instead, the respondent Board has issued Ext.P6 order by an indirect method to perform the functions or discharge the duties of the original authority, which in our considered view, is impermissible.



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70. In the light of the above discussion, we are of the view that, Ext.P6 order issued by the Commissioner is legally unsustainable and liable to be set aside. The other consequential orders Exts. P8 and P9 are also liable to be set aside.

71. However, we deem it appropriate to issue directions to the petitioner to ensure transparency and clarity in the administration of Sree Annappoorneswari temple. The writ petitioner shall maintain all the registers and books of accounts in accordance with the statute and bye-law. Furthermore, we direct that the petitioner shall scrupulously comply with the provisions of Chapter-VII of the HR and CE Act with respect to the budget accounts and audit.

In the result, the writ petition is allowed. The impugned orders, Exts. P6, P8 and P9 are hereby quashed and set aside.

Sd/-

RAJA VIJAYARAGHAVAN V.

JUDGE

Sd/-

K. V. JAYAKUMAR

JUDGE



APPENDIX OF WP(C) NO. 44515 OF 2025

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE SCHEME FOR ADMINISTRATION OF NADUVILMADOM GROUP OF TEMPLES (18 IN NUMBER) WITH TYPED COPY
- EXHIBIT P2 TRUE COPY OF THE PROCEEDINGS NO.A3-3842/2021/MDB(1) OF THE 3RD RESPONDENT DATED 30-5-2022
- EXHIBIT P3 TRUE COPY OF THE COMMUNICATION NO.H5-3141/2022/MDB DATED 13-6-2022 ISSUED BY THE COMMISSIONER
- EXHIBIT P4 TRUE COPY OF THE JUDGMENT IN WRIT PETITION(C) NO.19403/2022 DATED 7-12-2022
- EXHIBIT P5 TRUE COPY OF THE JUDGMENT IN WRIT PETITION(C) 45827/2024 DATED 25-07-2025
- EXHIBIT P6 TRUE COPY OF THE ORDER NO.H5/4164/MDB OF THE COMMISSIONER DATED 15-10-2025
- EXHIBIT P7 TRUE COPY OF THE REPRESENTATION DATED 20-11-2025 SUBMITTED BY THE PETITIONER BEFORE THE EXECUTIVE OFFICER,
- EXHIBIT P8 TRUE COPY OF THE ORDER NO.H5-4164/2022/MDB DATED 24-11-2025 ISSUED BY THE COMMISSIONER
- EXHIBIT P9 TRUE COPY OF THE COMMUNICATION DATED 25-11-2025 ISSUED BY THE 4TH RESPONDENT

RESPONDENT EXHIBITS

- EXT. R-2(1) THE TRUE COPY OF THE AUDIT REPORT OF PUTHUKODE SREE ANNAPPORNESWARI BHAGAVATHI TEMPLE FOR THE PERIOD FROM 2006 TO 2023 AS



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ISSUED BY THE DEPUTY DIRECTOR OF KERALA STATE
AUDIT DEPARTMENT, ALONG WITH THE
COMMUNICATION ISSUED TO THE 2ND RESPONDENT
DATED 24.12.2024

EXT. R-2 (2) THE TRUE COPY OF THE COMMUNICATION DATED
6.2.2025 ISSUED BY THE DEPUTY DIRECTOR OF
KERALA STATE AUDIT DEPARTMENT, TO THE 2ND
RESPONDENT

EXT. R-2 (3) THE TRUE COPY OF THE ORDER DATED 30.1.2023
ISSUED BY THE 2ND RESPONDENT

EXT. R-2 (4) THE TRUE COPY OF THE REPORT DATED 10.7.2023
ISSUED BY THE EXECUTIVE OFFICER TO THE 2ND
RESPONDENT

EXHIBIT-R5 (A) TRUE COPY OF JUDGMENT DATED 17.08.2020 IN
WP(C) 16806 OF 2020 PASSED BY THIS HONOURABLE
COURT.

EXHIBIT-R5 (B) TRUE COPY OF JUDGMENT DATED 22.01.2021 IN
WP(C) 26295 OF 2020 PASSED BY THIS HONOURABLE
COURT.

EXHIBIT-R5 (C) TRUE COPY OF THE JUDGMENT DATED 17.11.2023 IN
WP(C) 28664 OF 2023 PASSED BY THIS HONOURABLE
COURT.

EXHIBIT-R5 (D) TRUE COPY OF ORDER DATED 29.05.2024 OF THE
2ND RESPONDENT IN R.P. NO. 01 OF 2024.

EXHIBIT-R5 (E) TRUE COPY OF THE REPORT NO.
A3/2932/2021/A.D.B DATED 31.08.2024 TO THE
2ND RESPONDENT.

EXHIBIT-R5 (F) TRUE COPY OF LETTER NO. H5-4164/2022/MDB
DATED 09.10.2024 ISSUED BY THE COMMISSIONER,
MALABAR DEVASWOM BOARD.

EXHIBIT-R5 (G) TRUE COPY OF ORDER DATED 29.09.2025 IN
W.P. (C) NO. 35735/2025 PASSED BY THIS
HONOURABLE COURT.

PETITIONER EXHIBITS

EXHIBIT P12 TRUE COPY OF THE BUDGET ESTIMATE

EXHIBIT P10 TRUE COPY OF THE REPLY SUBMITTED TO THE AUDIT
REPORT DATED 21-4-2025

EXHIBIT P11 TRUE COPY OF THE PROCEEDINGS OF THE ASSISTANT
COMMISSIONER, DATED 30-7-2025.



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RESPONDENT EXHIBITS

- EXHIBIT R5 (H) TRUE COPY OF COMPLAINT DATED 08.01.2026
PREFERRED BY THE APPLICANT/5TH RESPONDENT
- EXHIBIT R5 (I) 11. TRUE COPY OF NOTICE PUBLISHED BY THE
PETITIONER AS REGARDS RESTRICTIONS IN TEMPLE
TIMINGS DUE TO RENOVATION WORKS FOR
KUMBABHISHEKAM
- EXHIBIT R5 (J) PHOTOGRAPHS OF THE CONSTRUCTION WORK BEING
CARRIED AT THE TEMPLE

PETITIONER EXHIBITS

- EXHIBIT P13 TRUE COPY OF THE OA 8/2024 BEFORE THE
COMMISSIONER DATED 20.08.2024
- EXHIBIT P14 TRUE COPY OF THE JUDGMENT IN WRIT PETITION (C)
423/2026 DATED 08.01.2026
- EXHIBIT P15 TRUE COPY OF THE PROCEEDINGS
NO.A3-2647/2024/MDB (K.DIS) DATED 17-8-2024 OF
ASSISTANT COMMISSIONER
- EXHIBIT P16 TRUE COPY OF THE ORDER NO.
5723/2023/MDB (K.DIS) DATED 23-8-2024 ISSUED
BY THE COMMISSIONER.
- EXHIBIT P17 TRUE COPY OF THE PROCEEDINGS
NO.H5-6666/2024/MDB (K.DIS) DATED 4-11-2024
- EXHIBIT P18 TRUE COPY OF THE PROCEEDINGS NO.
A3-2302/2025/MDB (K.DIS) AGAINST THE ASSISTANT
COMMISSIONER DATED 30.07.2025
- EXHIBIT P19 TRUE COPY OF THE PROCEEDINGS
NO.A3-2300/2025/MDB (K.DIS) DATED 30-7-2025
- EXHIBIT P20 TRUE COPY OF THE PROCEEDINGS
NO.H5/4172/2025/MDB (K.DIS) DATED 1-11-2025
- EXHIBIT P21 TRUE COPY OF THE ORDER
NO.H5/4171/2025/MDB (K.DIS) DATED 31-10-2025
OF THE COMMISSIONER
- EXHIBIT P22 TRUE COPY OF THE ORDER NO.
H5/4165/2025/MDB (K.DIS) DATED 1-11-2025 OF
THE COMMISSIONER
- EXHIBIT P23 TRUE COPY OF THE ORDER NO.
H5/4169/2025/MDB (K.DIS) DATED 6-11-2025 OF
THE COMMISSIONER



W.P(C).No.44515/2025

2026:KER:25119

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EXHIBIT P24

**TRUE COPY OF THE RECEIPT ISSUED BY SAPCO
DATED 25.01.2019**

EXHIBIT P25

**TRUE COPY OF THE LETTER ISSUED BY THE DONOR
DATED 03.04.2024**