IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

THURSDAY, THE 3RD DAY OF APRIL 2025 / 13TH CHAITHRA, 1947

WP(C) NO. 42289 OF 2022

PETITIONER:

PONNAPPAN A B,AGED 63 YEARS,S/O BALAN, VATTATHARA HOUSE, KAITHARAM, NORTH PARAVOOR, ERNAKULAM DISTRICT, KOCHI, PIN - 683519

BY ADVS.
K.R.RAJKUMAR
JAGADEESH LAKSHMAN
RAHUL RAJ

RESPONDENTS:

1 **STATE OF KERALA REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE (DEVASWOM), GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM G.P.O. THIRUVANANTHAPURAM, PIN - 695001**

2 **THE SECRETARY, COCHIN DEVASWOM BOARD, COCHIN DEVASWOM BOARD HEAD OFFICE, SWARAJ ROUND NORTH, THRISSUR H.P.O, THRISSUR, PIN - 680001**

3 **THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD, COCHIN DEVASWOM BOARD HEAD OFFICE, SWARAJ ROUND NORTH, THRISSUR H.P.O, THRISSUR, PIN - 680001**

4 **THE MANAGER/ INFORMATION OFFICER TRIPRAYAR DEVASWOM, TRIPRAYAR SREE RAMA TEMPLE, TRIPRAYAR P.O., VALAPAD, THRISSUR DISTRICT, PIN - 680567**

5 **ABHILASH, S/O SUBRAMANIAN, KADAMAYETH PARAMBIL VEEDU, PARAPPILLIL ROAD, THIRUVANKULAM P.O., ERNAKULAM DISTRICT, PIN - 682305**

6 MIDHUN MOHAN, S/O MOHAN, VETTATHU VEEDU, KANIMANGALAM P.O., KANIMANGALAM VILLAGE, THRISSUR DISTRICT, PIN - 680027

7 SUDHEESH KUMAR, S/O KUMARAN, KAROTH VEEDU, KANNANKULANGARA DESOM, CHIYYARAM VILLAGE, CHIYYARAM P.O., THRISSUR DISTRICT, PIN - 680027

8 AKHIL NANDAKUMAR
S/O NANDAKUMAR, KOCHATTIL VEEDU, KARUMATHRA P.O., THRISSUR DISTRICT, PIN - 680123

9 THE STATION HOUSE OFFICER
VALAPPAD POLICE STATION, VALAPAD P.O., THRISSUR DISTRICT, PIN - 680567

10 COCHIN DEVASWOM BOARD
REPRESENTED BY THE SECRETARY, COCHIN DEVASWOM BOARD HEAD OFFICE, SWARAJ ROUND NORTH, THRISSUR H.P.O, THRISSUR, PIN - 680001

11 ADDL.R11: CHIEF VIGILANCE OFFICER,
COCHIN DEVASWOM BOARD, SWARAJ ROUND NORTH, THRISSUR - 680001. (IS SUO MOTU IMPLEADED AS PER ORDER DATED 25/09/2023 IN WP(C))

BY ADVS.
RAJESH KUMAR T.K
K.P. SUDHEER
MANOJ V GEORGE(D/1527/2004)
T.N.BINDU(B-202)
KEERTHANA.V(K/1968/2019)
ANASWARA HARI(K/1117/2022)

SRI. S. RAJMOHAN, SR. GP; SRI. K.P. SUDHEER, SC, CDB

THIS WRIT PETITION (CIVIL) WAS FINALLY HEARD ON 11.03.2025, THE COURT ON 3.4.2025 PASSED THE FOLLOWING:

JUDGMENT

Muralee Krishna, J.

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking the following reliefs:

> "(i) to issue a writ of mandamus or any other appropriate writ order or direction, directing the 2nd and 3rd respondents to take sufficient and appropriate steps to lodge a complaint before the 9th respondent based on Exhibit P1 along with other necessary and appropriate evidence thereof to prosecute respondents 5 to 8 so as to uphold the credibility of Devaswom.
>
> (ii) direct the 2nd and 3rd respondents to initiate appropriate departmental proceedings against the respondents 5 to 8 based on the Exhibit P1 Complaint.
>
> (iii) direct the second respondent to conduct wholesome investigation into the misdeeds, misconducts and offences in service of the 5th respondent as evidence by Exhibits P10 to P25 and take appropriate and sufficient disciplinary action in the matter.
>
> (iv) to issue a writ of mandamus or any other appropriate writ order or direction, directing the 2nd and 3rd respondents to initiate a criminal complaint against the theft of data from the official server which was in the custody of the 4th respondent".

2. Going by the averments in the writ petition, the petitioner is a retired Sub Inspector of police having 37 years of meritorious service. He was recipient of meritorious medals from the Chief Minister in 1998 and the Presidential Medal in 2012. After retirement, he joined the Vigilance Department of Cochin Devaswom Board as a Vigilance Assistant. While the petitioner was working in the Vigilance Department of Cochin Devaswom Board, at Thriprayar Sree Rama Temple, he was assigned the duty of supervision of open Kanikka on 10.03.2022 while the temple festival was going on, open Kanikka was placed before every 'Nada' in the entire Temple compound. Before lunchtime the Bandaram Supervisor directed the petitioner to collect the coins and currency notes from the Kanikka and to handover the same. This was to be collected and deposited in the Devaswom Huller. As directed, the petitioner collected the coins and currencies in a sack with the help of other employees on duty from all the open Kanikkas and carried the same to the Devaswom office. This was deposited in Huller in the presence of the Bandaram Supervisory

Officer as per that officer's instruction. After the duty of the day was over, the petitioner returned home at around 6.30 PM. On the very next day, a high-ranking officer of the Cochin Devaswom Board called the petitioner over phone and informed him that the 5th respondent with the help of 6th and 7th respondents had circulated a CCTV footage from the Devaswom Server with an intention to show the petitioner in a bad light. The CCTV footage having the petitioner carrying the sack was sent out to the media by the 5th respondent through his Mobile and the same was distributed to many groups. This was done to malign the image of the petitioner and was done without any authority or consent from the Devaswom Manager who is the custodian of the data from the CCTV stored in the Devaswom Server. The theft of the data from the Devaswom server was done with mala-fide intention. The 5th respondent has acted with the connivance of respondents 6 to 8. Showing all these facts, the petitioner filed Ext. P1 complaint dated 24.03.2022 to the 3rd respondent Devaswom Commissioner.

2.1. Respondents 5 to 8 have actively participated in

propagating false stories in all WhatsApp groups of the Devaswom employees, thereby defaming the petitioner as well as the Devaswom Board. This resulted in the mental harassment to the petitioner. The petitioner was not able to continue in the service of the Devaswom after this incident even though he was promised a one-year extension. He had left the job before his term was over. Even after the receipt of Ext. P1 complaint, 3rd respondent did not take any action and waited for more than one month to initiate action. This has been done only to help the 5th respondent as it was known that the CCTV footage in the server will have backup only for 30 days. Thereafter, the 4th respondent Manager of the Devaswom forwarded the Ext. P1 complaint to the 10th respondent Board. The inordinate delay on the part of the 4th respondent in forwarding the complaint of the petitioner did culminate in the loss and destruction of prime evidence helping respondents 5 to 8. The 4th respondent is responsible for the loss of the evidence. After the lapse of more than one month of the incident, on 28.04.2022 vide M/63914/22, the complaint was sent to the 3rd respondent for

further proceedings by the 4th respondent.

2.2. In Ext.P2 deposition dated 29.04.2022 which was recorded in the enquiry proceedings of Ext.P1 complaint filed by the petitioner, the Assistant Commissioner deposed that the Devaswom manager was informed by him about the theft of the data from the Devaswom computer, on the very next day itself while he had come for an official visit to the Triprayar Temple for counting duty of Bandaram and requested for initiating action against the culprits. This was not heeded by the manager. The complaint filed by the petitioner was kept on hold for one month. This was done to help the 5th respondent and his coterie of employees having political patronage.

2.3. Since no action was taken in Ext.P1 complaint, the petitioner filed Ext. P5 complaint dated 11.08.2022 before the 9th respondent Station House Officer, Valappad Police Station. Finding the police not giving their little finger, the petitioner approached the Additional Police Superintendent, Thrissur Rural and filed Ext. P7 complaint dated 16.08.2022. The 5th respondent is the kingpin

who had instigated all illegal activities against the petitioner in the incident mentioned earlier. The temple committee of the Kannankulangara Siva Kshethra Upadesaka Samithi had filed Ext. P10 complaint dated 24.08.2014 against the 5th respondent stating that he had given receipts for pooja which were not enlisted in the Devaswom notification and had created a ruckus inside the temple and he had created a situation to bring dishonour to the temple advisory committee as well as the devotees. In another incident, the devotees of Poornathrayeesa Temple had filed Ext. P11 Mass petition before the board giving reasons and proof about the behaviour of the 5th respondent. The devotees of Poornathrayeesa temple filed Ext. P12 mass petition before the President, Poornathrayeesa Seva Sangam against the 5th respondent. The Secretary of the Makayilam Kshetra Upadesaka Samithy had filed Ext. P13 complaint dated 10.03.2014 against the 5th respondent.

2.4. The petitioner had approached this Court by filing W.P.(C) No. 4715 of 2016, seeking interference in a transfer order

and by Ext. P14 Judgement dated 18.03.2016 this court had allowed that writ petition.

2.5. On 31.08.2016, the Devaswom Assistant Commissioner filed Ext. P16 complaint dated 31.08.2016 against the 5th respondent before the Assistant Commissioner of Police, Kakkanad stating that the 5th respondent had used WhatsApp and Facebook, etc. to damage the name of the superior officer. On 08.09.2016 the Devaswom Assistant Commissioner, Tripunithura Group had caused Ext. P17 Letter dated 08.09.2016 asking the Special Commissioner to transfer the 5th respondent from the major temple like Poornathrayeesa Temple to a very small temple wherein he could cause less damage. This Court had taken a suo motu complaint numbered as DBP No. 18/18 and on 11.06.2018 in which a domestic enquiry was ordered against the 5th respondent. Subsequent to that order, the 5th respondent was suspended. Adv. Arun Prasanth was appointed as Enquiry Officer. The report filed by Adv. Arun Prasanth was rejected because it was not adequate and an enquiry was initiated by the Vigilance

Department of Devaswom Board. The 5th respondent was punished as per Ext. P18 order dated 08.04.2019, by barring increment without cumulative effect for one year. Taking note of the above proceedings DBP No. 18 of 2018 was closed as per Ext. P19 order dated 08.04.2018. By Ext. P20 order dated 10.06.2019 passed by the 2nd respondent, the period suspension of the 5th respondent was decided to be considered as leave and thus even the Orders/directions of this Court have not been respected. Even though Ext.P21 show cause notice dated 24.06.2021 was issued to the 5th respondent by the Special Devaswom Commissioner, the same ended in giving a strict warning alone. As per Ext.. P23 order dated 03.09.2021 the 5th respondent was transferred to the Cochin Devaswom Board Head Office at Thrissur on a working arrangement. On 09.12.2021 the Devaswom Assistant Commissioner Tripunithura Group had forwarded a complaint filed by one Renjith, Head Clerk, which speaks about the 5th respondent circulating the copy of the orders issued by the Devaswom Commissioner from the 5th respondent's mobile No.

9645226998 in Cochin Devaswom Board WhatsApp group. The Devaswom Assistant Commissioner had caused Ext. P25 letter dated 23.03.2022 to the Devaswom Commissioner regarding the activities of the 5th respondent. The petitioner, if he had continued in service, would have thought twice to file Ext. P1 complaint against the 5th respondent and his coterie for the reason that if a complaint is filed, they will make sure that false cases will be foisted on the petitioner and the system will stand along with these employees having the patronage of the Union. With these averments, the petitioner filed this writ petition.

3. The 2nd respondent Secretary, Cochin Devaswom Board filed a counter affidavit dated 04.08.2023 producing therewith Exts. R2(a) to R2(f) documents. Paragraphs 3 to 5 of the counter affidavit read thus:

> "3. It is submitted on receipt of Exhibit P1 complaint dated 24.03.2022 the 3rd respondent/ Devaswom Commissioner issued Order No. M6-3914/22 dated 28.04.2022 directing the Chief Vigilance Officer to conduct an enquiry and to submit a report. The Chief Vigilance Officer submitted a report dated 10.6.2022 to the 3rd respondent Devaswom

Commissioner. In this regard a true copy of report No. 439/VIG/CDB/22 dated 10.6.2022 submitted by the Chief Vigilance Officer, Cochin Devaswom Board to the 3rd respondent is produced herewith and marked as Exhibit R2(a). In terms of Ext. R2(a) report, Official Memorandum No. M.7041/22 dated 21.6.2022 was issued by the 3rd respondent to respondents 5 to 7. In this regard true copy of Official Memorandum No. M. 7041/22 dated 21.6.2022 issued by the 3rd respondent is produced herewith and marked as Exhibit R2(b).Exhibit R2(b) Official Memorandum was served to respondents 5 to 7 and respondents 6 and 7 submitted their explanation on 8.7.2022. In this regard a true copy of explanation dated 8.7.2022 submitted by the 6th respondent is produced herewith and marked as Exhibit R2(c). True copy of explanation dated 8.7.2022 submitted by the 7th respondent is produced herewith and marked as Exhibit R2(d).

4. It is submitted that the 5th respondent has not submitted any reply to Exhibit R2(b) official memorandum and he submitted a request dated 4.7.2022 to the 2nd respondent for getting copies of the files so as to submit a reply. In this regard true copy of letter dated 4.7.2022 submitted by the 5th respondent to the 2nd respondent is produced herewith and marked as Exhibit R2(e). Thereafter, the 3rd respondent issued an official memorandum on 17.11.2022

and 25.01.2023 directing the Assistant Commissioner, Thripunithura Group to obtain explanation of the 5th respondent immediately. In this regard true copy of official memorandum No. M. 7041/22 dated 25.1.2023 issued by the 3rd respondent is produced herewith and marked as Exhibit R2(f). The 5th respondent has not so far submitted any reply to the official memorandum.

5. It is submitted that in the meantime the writ petition was filed by the petitioner. The 2nd respondent will expedite the further disciplinary action after obtaining the reply from the 5th respondent. The allegation that the 5th respondent was having patronage of the Devaswom Board as well as the political alignments as well as union in which he is an office bearer is absolutely incorrect. The 2nd respondent will proceed with the disciplinary proceedings immediately on receipt of the reply by the 5th respondent. Since the petitioner has already approached the Station House Officer as evidenced by Exhibits P5 and P6 necessary direction may be issued to the 9th respondent also".

4. The additional 11th respondent Chief Vigilance Officer, Cochin Devaswom Board filed a counter affidavit dated 22.01.2024 producing therewith Exts.R11(a) and R11(b) documents. Paragraphs 3 to 5 of that counter affidavit read thus:

"3. It is submitted that the 5th respondent while working as

Counter Assistant took the photograph of golden thalekettu of Sree Poornathrayeesha before offering the same to the deity and published the same in the social media. Based on the said incident, the 5th respondent was transferred to Kureekkad Devaswom. Further, the 5th respondent misbehaved with an old lady at the Oottupura of Sree Poornathrayeesha temple. This Honourable Court was pleased to register a suo motu proceedings based on the information received through newspapers and it was registered as DBP No. 18 of 2018. By order dated 20/05/2019, this Honourable Court was pleased to close the DBP in view of the order passed by the Board. In this regard, true copy of order dated 20.05.2019 in DBP No. 18 of 2018 passed by this Honourable Court is produced herewith and marked as Exhibit R11 (a).

4. It is submitted that the 5th respondent while working as Counter Assistant at Chakkamkulngara Devaswom circulated defamatory video clips criticising the devaswom board as well as the vigilance wing of the devaswom board in connection with certain action taken against the temple priest of Chottanikkara temple. On coming to know the incident and having satisfied that the action of the 5th Respondent was in violation of the code of conduct of the Government Servants Conduct Rules, 1960 and Chapter 6 of the Devswom Manual, notice was issued to the 5th respondent. The 5th respondent wilfully did not submit any



explanation to the show cause notice issued by the board. Since the 5th respondent failed to offer any explanation, the Board issued Order No. M. 4820/2019 dated 03.09.2021. In this regard true copy of Order No. M 482O/2019 dated 03.09.2021 issued by the 10th Respondent is produced herewith and marked as Exhibit R11(b). Thereafter, the 5th respondent was transferred to the office of the board at Thrissur and he joined the office of the board on 07.09.2021. On perusal of the files it is seen that the 5th respondent immediately after the transfer submitted petitions before the Board stating that the transfer causes lot of hardships to him.

5. It is submitted that other than the above mentioned issues, there are several reports submitted by the Devaswom Officers, Assistant Commissioners pointing out the misconduct, dereliction of duties and undisciplined attitudes of the 5th respondent to the directions issued by the superior officers. From the files it could be seen those reports and the strict warnings issued by the Board. It is also discernible from the files that the 5th respondent is in the habit of collecting details of the minor shortcomings of the superior officers and submitting application under the Right to Information Act. It is also a fact that the 5th respondent continues this habit and continues to work in Thripunithura group of temples."

5. The 5th respondent filed a counter affidavit dated

23.01.2024 denying the entire averments in the writ petition. It is contended in the said counter affidavit that the petitioner has approached this Court with unclean hands and with malafide intention. According to the 5th respondent, he is an honest and upright employee of the Devaswom Board who has a history of exposing the corrupt practices of certain people like the petitioner at the workplace. In fact, it was due to the selfless effort of the 5th respondent, unearthing of the corruption and scandal that happened in the temple came out in DBP No.97 of 2018 before this Court and the effort of the 5th respondent in unearthing the gold locket scam was appreciated by this Court in the said DBP. The writ petition is filed by the petitioner to wreak vengeance against the 5th respondent for filing the DBP case before this Court.

6. Heard the learned counsel for the petitioner, the learned Standing Counsel for respondents 2 to 4, 9, 10 and 11, the learned Senior Government Pleader and the learned counsel appearing for the 5th respondent.

7. The learned counsel for the petitioner submitted that

there are several complaints against the 5th respondent before the Devaswom authorities as well as before the Police. Even this Court had taken a suo motu complaint against the 5th respondent as DBP No.18 of 2018 and on 11.06.2018 ordered to conduct domestic enquiry against the 5th respondent. Though he was initially suspended, later his suspension order was cancelled. The Devaswom Board did not take strict action against the 5th respondent. Hence interference of this Court is warranted for the smooth functioning of the temple and to protect the interest of the devotees of the temple.

8. The learned Standing Counsel for the Cochin Devaswom Board and its officials submitted that on receipt of Ext.P1 complaint dated 24.03.2022, the 3rd respondent Commissioner directed the 11th respondent Chief Vigilance Officer to conduct an enquiry and submit a report. In pursuance of that direction, Ext.R2(a) report was submitted by the 11th respondent before the 3rd respondent. Thereafter, Ext.R2(b) official memorandum was issued calling for explanation from the 5th

respondent in the findings in Ext.R2(a) report. The disciplinary proceedings pursuant to Ext.R2(b) are yet to be completed. By submitting that the 5th respondent is now again suspended from service, the learned standing counsel produced an order dated 18.02.2025 issued by the Commissioner of Malabar Devaswom Board suspending the 5th respondent with immediate effect, for our perusal.

9. The learned counsel for the 5th respondent submitted that all the allegations against the 5th respondent were raised due to the personal grudge of the petitioner against him.

10. Sree Triprayar Sree Rama Temple is a temple under the administration of the Cochin Devaswom Board. The Travancore-Cochin Hindu Religious Institutions Act, 1950, was enacted to make provisions for the administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds. Chapter VIII of the Act deals with the Cochin Devaswom Board. Clause (5) of Section 61 of the Act defines 'incorporated and unincorporated Devaswoms' to

mean incorporated and unincorporated Devaswoms specified in Schedules I and II respectively of the Cochin Devaswom Verumpattom Settlement Proclamation, XXIII of 1118.

11. Section 62 of the Act deals with vesting of administration in the Board. As per sub-section (1) of Section 62, the administration of incorporated and unincorporated Devaswoms and Hindu Religious Institutions which were under the management of the Ruler of Cochin immediately prior to the first day of July, 1949 either under Section 50G of the Government of Cochin Act, XX of 1113, or under the provisions of the Cochin Hindu Religious Institutions Act, 1 of 1081, and all their properties and funds and of the estates and all institutions under the management of the Devaswom Department of Cochin, shall vest in the Cochin Devaswom Board. As per sub-section (2) of Section 62, notwithstanding the provisions contained in sub-section (1) the regulation and control of all rituals and ceremonies in the temple of Sree Poornathrayeesa at Trippunittura and in the Pazhayannur Bhagavathy temple at Pazhayannur shall continue to

be exercised as hitherto by the Ruler of Cochin.

12. Section 68 of the Act provides for administration by the Board as a trustee. As per sub-section (1) of Section 68, subject to the provisions of the Act and of any other law for the time being in force, the Board shall be bound to administer the affairs of incorporated and unincorporated Devaswoms and institutions under its management in accordance with the objects of the trust, the established usage and customs of the institutions and to apply their funds and property for such purposes. As per sub-section (2) of Section 68, notwithstanding anything contained in sub-section (1), the Board may, out of the funds under their control, set apart such sum as they deem fit for the educational uplift, cultural advancement and economic betterment of the Hindu community, after providing adequately for the purposes of the institutions which have to be met from the said fund.

13. Section 73A of the Act deals with the duties of the Board. As per Section 73A, it shall be the duty of the Board to perform the functions enumerated in clauses (i) to (iv), namely,

(i) to see that the regular traditional rites according to the practice prevalent in the religious institution are performed promptly; (ii) to monitor whether the administrative staff and employees and also the employees connected with religious rites are functioning properly; (iii) to ensure proper maintenance and upliftment of the Hindu Religious Institutions; (iv) to establish and maintain proper facilities in major temples for the devotees.

14. Section 74 of the Act deals with vesting of jurisdiction in the Board. As per Section 74, subject to the provisions of sub-section (2) of Section 62, all rights, authority and jurisdiction belonging to or exercised by the Ruler of Cochin prior to the 1st day of July, 1949 in respect of incorporated and unincorporated Devaswoms and Institutions shall vest in and be exercised by the Board in accordance with the provisions of the Act. Section 75 of the Act deals with superintendence and control by the Board. As per Section 75, the Board shall, subject to the provisions of Part II of the Act, exercise supervision and control over the acts and proceedings of all officers and servants of the Board and of the

Devaswom Department.

15. In view of the provisions under the Travancore-Cochin Hindu Religious Institutions Act referred to hereinbefore, the Cochin Devaswom Board is duty-bound to administer the affairs of the temples under its management, in accordance with the objects of the trust, the established usage and customs of such temples. The Board has a statutory duty to monitor whether the administrative staff and employees and also the employees connected with religious rites in such temples are functioning properly and to exercise supervision and control over their acts and proceedings.

16. In **A.A. Gopalakrishnan v. Cochin Devaswom Board [(2007) 7 SCC 482]** a Three-Judge Bench of the Apex Court held that the properties of deities, temples and Devaswom Boards, require to be protected and safeguarded by their trustees/archakas/shebaits/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom

Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy, or adverse possession. This is possible only with the passive or active collusion of the authorities concerned. Such acts of 'fence eating the crops' should be dealt with sternly. The Government, members or trustees of boards/trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.

17. In the matter of misconduct of an employee of the Cochin Devaswom Board, in the order dated 30.05.2024 in DBP No.81 of 2023 – **Suo motu v. State of Kerala[2024 KHC Online 827]**, this Court held that in view of the statutory provisions referred to hereinbefore, the 2nd respondent Cochin Devaswom Board in discharge of its statutory duty, ought to have taken stringent action against the Devaswom employees, who were found drunk in the temple premises, openly flouting the prohibitions contained in clause (d) of Rule 3 of the Kerala Hindu Places of Public Worship

(Authorisation of Entry) Rules, 1965, by imposing a proper punishment in the disciplinary proceedings initiated against them, instead of reinstating such employees with a warning, withholding of increment, etc. The lukewarm approach on the part of the 2nd respondent Board and the 3rd respondent Devaswom Commissioner is a reason for recurring such instances of misconduct by the Devaswom employees. Any default on the part of the 2nd respondent Board and the 3rd respondent Devaswom Commissioner in imposing a proper punishment to such employees would amount to breach of trust, since the status of the Board, in view of the provisions under Section 68 of the Travancore-Cochin Hindu Religious Institutions Act, in the matter of administration of incorporated and unincorporated Devaswoms under its management, is that of a trustee in the management of the properties and interest of the deity, who is a perpetual minor.

18. We have carefully gone through the pleadings and materials on record. Against the 5th respondent, there are several complaints filed before the Devaswom authorities as well as before

the Police as evident from Exts P10 to P18 copies of the complaints produced along with the writ petition. As per Ext.R2(a) report dated 10.06.2022 submitted by the 11th respondent there are serious findings against the 5th respondent. Pursuance to the same Ext.R2(b) show cause was issued to the 5th respondent. However, the disciplinary proceedings are yet to be completed in that matter. Now as per the order dated 18.02.2025 the 5th respondent is again suspended from service for some serious findings in the report of the Chief Vigilance Officer.

19. The proceedings taken pursuant to Ext.R2(b) is now pending before the Board. The allegations against the 5th respondent are very serious in nature. Such acts of fence-eating the crops, if found true, have to be dealt with appropriately by taking strict action.

Having considered the pleadings and materials on record and the submissions made at the Bar, we deem it appropriate to dispose of this writ petition directing the 10th respondent Cochin Devaswom Board to finalise the proceedings taken in pursuance

to Ext.R2(a) report of the 11th respondent Chief Vigilance Officer after giving notice to both sides as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment.

Sd/-

ANIL K.NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

Sks

APPENDIX OF WP(C) 42289/2022

PETITIONER EXHIBITS

Exhibit P1	**THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT ON 24-03-2022**
Exhibit P2	**THE TRUE COPY OF THE DEPOSITIONS BY THE WITNESSES IN THE PROCEEDINGS ON EXHIBIT P1 DATED 29.04.2022**
Exhibit P3	**THE TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER UNDER RIGHT TO INFORMATION ACT DATED 13-04-2022**
Exhibit P4	**THE TRUE COPY OF THE ANSWER TO THE QUESTIONS IN EXHIBIT P3 GIVEN BY THE STATE PUBLIC INFORMATION OFFICER OF THE COCHIN DEVASWOM BOARD DATED 29-04-2022**
Exhibit P5	**THE TRUE COPY OF THE COMPLAINT DATED NIL FILED BEFORE THE VALAPPAD POLICE STATION (WITHOUT ENCLOSURES)**
Exhibit P6	**THE TRUE COPY OF THE RECEIPT ISSUED BY THE VALAPPAD POLICE STATION TO ACKNOWLEDGE THE COMPLAINT DATED 11-08-2022**
Exhibit P7	**THE TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE ADDITIONAL SUPERINTENDENT OF POLICE THRISSUR RURAL DATED 16-08-2022**
Exhibit P8	**THE TRUE COPY OF THE RECEIPT ISSUED FROM THE OFFICE OF THE SUPERINTENDENT OF POLICE THRISSUR RURAL TO ACKNOWLEDGE THE COMPLAINT WITH NO. 841/DPC-R/CAMP/PM/22 DATED 16-08-2022**
Exhibit P9	**THE TRUE COPY OF THE RELEVANT PORTION OF THE SERVICE DETAIL OF 5TH RESPONDENT ISSUED BY THE STATE PUBLIC INFORMATION OFFICER OF**

	THE DEVASWOM BOARD DATED 02-11-2022
Exhibit P10	**THE TRUE COPY OF THE COMPLAINT DATED 24-08-2014 FILED BY THE KANNANKULANGARA SIVA KSHETHRA UPADESAKA SAMITHI BEFORE THE DEVASWOM OFFICER, TRIPUNITHURA OBTAINED UNDER RTI ACT**
Exhibit P11	**THE TRUE COPY OF THE COMPLAINT FILED BY THE DEVOTEES AS A MASS PETITION AGAINST THE 5TH RESPONDENT BEFORE THE PRESIDENT DEVASWOM BOARD AS EARLY AS 2017 DATED NIL OBTAINED UNDER RTI ACT**
Exhibit P12	**THE TRUE COPY OF THE MASS COMPLAINT FILED BY THE DEVOTEES BEFORE THE PRESIDENT, POORNATHRAYEESA SEVA SANGAM DATED 29-01-2014 OBTAINED UNDER RTI ACT**
Exhibit P13	**THE TRUE COPY OF COMPLAINT NO. MKUS/2013-14 DATED 10-03-2014 FILED BY THE SECRETARY, MAKAYILAM KSHETRA UPADESAKA SAMITHY BEFORE THE SPECIAL DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD OBTAINED UNDER RTI ACT**
Exhibit P14	**THE TRUE COPY OF THE JUDGEMENT IN W.P.(C) NO. 4715 OF 2016 DATED 18.03.2016**
Exhibit P15	**THE TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE 5TH RESPONDENT BEFORE THE ASSISTANT COMMISSIONER, TRIPUNITHURA GROUP, COCHIN DEVASWOM BOARD DATED 31-05-2016 OBTAINED UNDER RIGHT TO INFORMATION ACT ON 02-11-2022**
Exhibit P16	**THE TRUE COPY OF THE COMPLAINT NO. M4-4120/13 DATED 31-08-2016 FILED BY THE DEVASWOM ASSISTANT COMMISSIONER, TRIPUNITHURA GROUP BEFORE THE ASSISTANT COMMISSIONER OF POLICE, KAKKANAD OBTAINED UNDER THE RIGHT TO INFORMATION ACT**
Exhibit P17	**THE TRUE COPY OF THE LETTER NO. M4.4120/13**

	DATED 08-09-2016 ISSUED BY THE DEVASWOM ASST. COMMISSIONER, TRIPUNITHURA GROUP TO THE SPECIAL DEVASWOM COMMISSIONER, THRISSUR OBTAINED UNDER THE RIGHT TO INFORMATION ACT
Exhibit P18	**THE TRUE COPY OF THE ORDER NO. M.5233/2017 DATED 08-04-2019 PASSED BY THE 2ND RESPONDENT OBTAINED UNDER THE RTI ACT**
Exhibit P19	**THE TRUE COPY OF THE ORDER DATED 20.05.2019 IN DBP NO. 18 OF 2018 PASSED BY THIS HON'BLE COURT**
Exhibit P20	**THE TRUE COPY OF THE OF THE ORDER NO. M-5233/17 DATED 10-06-2019 PASSED BY THE 2ND RESPONDENT OBTAINED UNDER THE RTI ACT**
Exhibit P21	**THE TRUE COPY OF THE SHOW CAUSE NOTICE ISSUED TO THE 5TH RESPONDENT BY THE SPECIAL DEVASWOM COMMISSIONER DATED NIL OBTAINED UNDER THE RTI ACT**
Exhibit P22	**THE TRUE COPY OF THE ORDER NO. M-4820/19 DATED 27-08-2021 PASSED BY THE 2ND RESPONDENT OBTAINED UNDER THE RTI ACT**
Exhibit P23	**THE TRUE COPY OF ORDER NO. M.4820/19 DATED 03-09-2021 PASSED BY THE SPECIAL DEVASWOM COMMISSIONER OBTAINED UNDER THE RTI ACT**
Exhibit P24	**THE TRUE COPY OF THE LETTER NO. M1-4240/21 DATED 09-12-2021 ISSUED BY THE DEVASWOM ASSISTANT COMMISSIONER TRIPUNITHURA GROUP TO THE 3RD RESPONDENT OBTAINED UNDER RTI ACT**
Exhibit P25	**THE TRUE COPY OF THE LETTER NO. M1-4240/21 DATED 23-03-2022 SENT BY THE DEVASWOM ASSISTANT COMMISSIONER TO THE 3RD RESPONDENT OBTAINED UNDER THE RIGHT TO INFORMATION ACT**

RESPONDENT EXHIBITS

EXHIBIT R2 (b)	**True copy of Official Memorandum No. M. 7041/22 dated 21.6.2022 issued by the 3rd respondent.**
EXHIBIT R2 (a)	**True copy of report No. 439/VIG/CDB/22 dated 10.6.2022 submitted by the Chief Vigilance Officer, Cochin Devaswom Board to the 3rd respondent.**
EXHIBIT R2 (c)	**True copy of explanation dated 8.7.2022 submitted by the 6th respondent.**
EXHIBIT R2 (e)	**True copy of letter dated 4.7.2022 submitted by the 5th respondent to the 2nd respondent.**
EXHIBIT R2 (f)	**True copy of official memorandum No. M. 7041/22 dated 25.1.2023 issued by the 3rd respondent.**
EXHIBIT R2 (d)	**True copy of explanation dated 8.7.2022 submitted by the 7th respondent.**
EXHIBIT R 11 (a)	**True copy of order dated 20/05/2019 in DBP No. 18 of 2018 passed by this Honourable Court**
EXHIBIT R 11 (b)	**True copy of Order No. M 4820/2019 dated 03/09/2021 issued by the 10th Respondent**