

**IN THE COURT OF THE SUB JUDGE, CHENGANNUR**

**Present :- Smt.Veena.V.S, Sub Judge**

**Saturday, the 28<sup>th</sup> March 2026/07<sup>th</sup> Chaithram 1948**

**IA No. 05/2026 in OS 12/2024**

(Filed on 28.01.2026)

- Petitioners/Plaintiffs :-**
1. “Sree Durgadevi Prathishta”  
Sree Durgadevi Temple, Kunnathoor  
Kuttemperoor Muri, Mannar Village,  
Chengannur Taluk, Represented by  
the member and devotee of Kunnathoor  
Devaswam Sri. Satheesh Kumar,  
aged 48 years,  
S/o. Janardhanan Pillai,  
Kochupunnakkattu Puthen Veetil,  
Kuttemperoor Muri, Mannar Village.
  2. Radhakrishna Pillai, aged 57 years,  
S/o. Vasudevan Nair,  
SaikripaVeetil, Kuttemperoor Muri,  
Mannar Village, Chengannur Taluk.
  3. Asha Manoj, aged 44 years,  
W/o. Manoj,  
Kakkethu Lalitha Nivas Veetil,  
Kuttemperoor Muri, Mannar Village.
  4. Udayakumar, aged 45 years,  
S/o. Krishnapillai, Palamoottil Veetil,  
Kulanjekarazhma Muri, Mannar Village.

5. Leela Sreenivasan, aged 60 years,  
W/o. Sreenivasan,  
Edavana Veetil,  
Kulanjekarazhma Muri, Mannar Village.

***(By Adv. C.D.Anil)***

- Respondents/Defendants** :-1. Kunnathoor Devaswam,  
Kuttamperoor Muri, Mannar Village,  
Chengannur Taluk  
Represented by its Receiver,  
Sub Group Officer,  
Thrikkuratti Devaswam,  
Thiruvithamcore Devaswam Board,  
Mannar (Gopakumar, Sub Group Officer,  
Thrikkuratti Devaswam, Mannar)
2. Sunilkumar, aged 52 years,  
S/o. Gangadharan,  
Shredheyam Veetil,  
Kuttamperoor Muri, Mannar Village,  
Chengannur Taluk ( Former President,  
Kunnathoor Devaswam,  
Kuttemperoor, Mannar)
  3. Gireeshkumar, aged 36 years,  
S/o. Parameswaran,  
Kalarikkal Vadakkethil,  
Kuttamperoor Muri, Mannar Village  
(Former Secretary, Kunnathoor  
Devaswam, Kuttemperoor, Mannar)

4. Karunakaran.P, aged 60 years,  
S/o.Poovan, Kiran Villa,  
Kuttamperoor Muri, Mannar Village,  
(Former Vice President, Kunnathoor  
Devaswam, Kuttemperoor, Mannar)
  
5. Anilkumar, aged 55 years,  
S/o. Narayanan Nair,  
Santhosh Bhavan,  
Kuttamperoor Muri, Mannar Village,  
(Former Treasurer,  
Kunnathoor Devaswam,  
Kuttemperoor, Mannar)
  
6. Chandran Nair, aged 65 years,  
S/o. Madhavan Nair,  
Vadakkethayyil Veetil,  
Kuttamperoor Muri, Mannar Village,  
(Former Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor, Mannar)
  
7. Pradeep, aged 50 years,  
S/o. Kuttappan, Chakkalethu Veetil,  
Kuttamperoor Muri, Mannar Village,  
(Former Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor, Mannar)

8. Subhash.K, aged 58 years,  
S/o. K.K.Kuttappan, Karamcheril House,  
Kuttemperoor.P.O, Mannar,  
Adhoc Committee Chairman,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.
9. Gopalan.N, aged 62 years,  
S/o. Nanu, Pattathil House,  
Kuttemperoor.P.O, Mannar,  
Adhoc Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.
10. Gopalakrishnan.N, aged 75 years,  
S/o. Narayana Pillai, Karyattil House,  
Kuttemperoor.P.O, Mannar,  
Adhoc Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.
11. Jayaprakash.C, aged 53 years,  
S/o. Chandrasekharan Nair,  
Jayabhavan, Kuttemperoor.P.O, Mannar,  
Adhoc Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.

12. Vijayan.P, aged 64 years,  
S/o. Padmanabhan, Kakkethu House,  
Kuttemperoor.P.O, Mannar,  
Adhoc Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.
13. Hareendran Pilla.C, aged 53 years,  
S/o. Chellappan Pillai,  
Vaishnavam House,  
Kuttemperoor.P.O, Mannar,  
Adhoc Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.
14. Nadarajan.C, aged 67 years,  
S/o. Chellappan Achari, Thulasi Bhavan,  
Kuttemperoor.P.O, Mannar,  
Adhoc Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.
15. Jayakumar.J, aged 39 years,  
S/o. Janardhanan, Kizhakkethil House,  
Kuttemperoor.P.O, Mannar,  
Adhoc Committee Member ,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.

16. Sureshkumar.K.S, aged 44 years,  
S/o. Sukumaran, Karikkalathil House,  
Kuttemperoor.P.O, Mannar,  
Adhoc Committee Member,  
Kunnathoor Devaswam,  
Kuttemperoor Muri  
Mannar Village, Chengannur Taluk.
17. N.S.S. Karayogam No. 2413,  
Kuttemperoor, Mannar,  
Represented by Secretary.

[Addl. R8 to R16 impleaded as per order in IA 5/25 dtd.20.06.2025]

***(R1, R2 , R4 to R7 – By Adv. Sajan .A. Varghese, R3- Exparte  
Addl. R8 to R15- By Adv. Abraham Joseph,  
R16 – By Adv. Abraham Joseph, R17 – By Adv. G. Unnikrishnan)***

This petition having been finally heard on 24.03.2026 and this court on 28.03.2026 passed the following.

### **ORDER**

The petition is filed under Order XL Rule 1 of CPC.

Petition averments in brief are as follows.

2. The petitioner is the 1<sup>st</sup> plaintiff in the above suit. The petition is for and on behalf of 2<sup>nd</sup> to 5<sup>th</sup> plaintiffs also. The 1<sup>st</sup> plaintiff is the deity in Kunnathur Durga Devi Temple represented by one of the Kunnathur Devaswom members and devotees. Other plaintiffs are also Kunnathur

Devaswom members and devotees of the said temple. While the administration of the said temple was performed by adhoc committee, Sub Divisional Magistrate Chengannur passed an order by appointing a Receiver for its administration on the basis of the report filed by SHO Chengannur U/S. 164 and 165 of The Bharathiya Nagarik Suraksha Sanhitha. When the said final order of Sub Divisional Magistrate Chengannur without passing any provisional order was challenged by adhoc committee before the Hon'ble High Court of Kerala, the said proceedings of the Sub Divisional Magistrate was set aside partially with a direction to re-adjudicate the matter and by permitting the Sub Group Officer of Thrikuratty Devaswom to continue as administrator of 1<sup>st</sup> defendant Devaswom. Later, Sub Divisional Magistrate again passed an order to hand over the administration to B party in the petition after arbitrarily adding more parties in the petition. The finding of the Sub Divisional Magistrate that the administration of the temple and the Devaswom were upon the B party till it was handed over to the Receiver was erroneous as the B party who are the defendants in this case already admitted in their written statements filed before this court that they are not the office bearers of the 1<sup>st</sup> defendant Devaswom. The Sub Divisional Magistrate did not give any copy of the order to the petitioner of the said petition. The 2<sup>nd</sup>

defendant is the leader of CPI (M) Alappuzha and due to his influence around 50 policemen were placed in the 1<sup>st</sup> plaintiff temple for the purpose of handing over the administration from Sub Group Officer Thrikuratti Devaswom on 16-01-2025, the petitioners came to know the order of Sub Divisional Magistrate passed on 01-01-2025. As per the order of the Hon'ble High Court of Kerala, P.D. Sreenivasan, Sub Group Officer Thrikuratty Devaswom was appointed as the Receiver. On 26-11-2025 he was arrested by Vigilance and Anti Corruption Bureau Alappuzha in connection with the corruptions he committed in Kunnathur Devaswom. Subsequently, Sri. Gopakumar Sub Group Officer Thiruvandoor Devaswom took charge as Receiver of Kunnathur Devaswom, he did not interfere in the administration of the 1<sup>st</sup> plaintiff temple. The administration of the 1<sup>st</sup> plaintiff temple is being done by Jayaprakash who was appointed by Ex-Receiver P.D Sreenivasan. At present the income and expenditure of the 1<sup>st</sup> plaintiff temple is not at all accounted. Even though Kunnathur Devaswom had account in Kuttemperoor Service Co-operative society, the present Receiver and Ex-Receiver Sreenivasan opened another account in Mananr Service Society which is under the control of the Receiver and beyond the territory of the 1<sup>st</sup> plaintiff temple. The main income of the temple

derived from the rent of Auditorium and elephant belonging to the 1<sup>st</sup> plaintiff temple. But the said income was not at all accounted. Still the key of the strong room where 1225 gm gold ornaments were kept is under the custody of Ex-Receiver P.D Sreenivasan. The present Receiver did not inspect and confirm the said gold ornaments by opening the strong room till the date. The lorry bearing No. KL 30 E 0433 of Kunnathur Devaswom became useless without having any maintenance. The Receiver caused additional burden by hiring the vehicle from outside without taking steps to repair the lorry of Kunnathur Devaswom. Further the coins in the hundies are not at all accounted. There are no registers maintained for dealing with the assets of the Devaswom and the temple. So there is every chance for misappropriation of fund and the assets of Kunnathur Devaswom and temple. This kind of mismanagement may lead to administrative deadlock and imminent danger to the temple. The Honb'le Additional District Court permitted the present Receiver to continue administration till the disposal of the Receiver petition pending before this court. So the said appointment of Sub Group Officer was provisional only. The gold ornaments were kept in the shelf of the office room without taking any protective measures. It is under the custody of a temporary employee. Further the Sapthaham which had to be conducted in

the month of January 2025 and 2026 and Aazhipooja which had to be conducted on 27<sup>th</sup> December were not conducted by the Receiver. He has not filed any report regarding the administration of Kunnathur Devaswom before the court so far. Hence it is highly necessary to appoint a Receiver to manage the administration of the Kunnathur temple and Kunnathur Devaswom by accepting all the movable and immovable properties from the custody of the present Sub Group Officer.

3. The 1<sup>st</sup> respondent/the 1<sup>st</sup> defendant filed objection by contending that the petition is not maintainable either in law or on facts. The administration of the Kunnathur Devaswom and its properties have been being administered by the present Receiver. He is capable to administer day to day matters and all the rituals of the temple. If he is removed and another person is appointed as a Receiver it will adversely affect the rituals and Poojas being performed in the temple. Further the suit is for challenging the amendment in the bylaw of the temple. So the prayer in the petition is beyond the scope of the suit. Hence the petition may be dismissed.

4. The respondents 2, 4 to 7 filed objection by contenting that the petition is not maintainable either in law or on facts. The property shown in the petition is not described as the plaint schedule property in the plaint.

There is no allegation in the petition that the day to day affairs of the temple is obstructed in any way. The prayer in the petition is beyond the scope of the suit. Hence petition may be dismissed.

5. The 17<sup>th</sup> respondent filed objection by admitting the petition averments. The office bearers of the 1<sup>st</sup> defendant Devaswom was resigned and an adhoc committee was temporarily constituted for the purpose of administration. The administration is not in the hands of the said committee. As per the order of the Hon'ble Kerala High Court and the Hon'ble Additional District Court- I Mavelikara in Criminal RP No.1/25 the Sub Group Officer Thrikuratti Devaswom was appointed till the appointment of a Receiver by this court where Receiver petition is pending. It is true that the Receiver hired vehicle without utilizing the vehicle of the 1<sup>st</sup> defendant Devaswom and thereby great financial liability is being incurred to the 1<sup>st</sup> defendant Devaswom. The present Sub Group Officer was ready to ascertain the coins in the hundies of the temple only after getting knowledge of the allegations against him before this court. There is no clarity in the stipulations of the contract in connection with leasing out of the elephant belonging to the 1<sup>st</sup> defendant Devaswom. No such details were furnished by the present or the prior Receiver before the court. The present Receiver has

the charge of 18 temples. So he has no sufficient time to manage and administer the properties of the 1<sup>st</sup> defendant Devaswom properly. A new employee was appointed without the permission of the court. The presence of a full time Receiver is highly essential for performing parayeduppu and other customary practices. Hence the petition may be allowed.

6. From the above petition averments and contentions in the objections the following points were raised for consideration.

1. Whether the appointment of a Receiver is necessary as prayed for?

2. Relief and costs?

7. From the side of the petitioner Exbt. A1 to A16 documents and from the side of the 1<sup>st</sup> respondent Exbt. B1 to B8 documents were marked.

8. Heard both sides. Perused the records.

**Point Nos. 1 and 2 :-**

9. Admittedly the administration of the 1<sup>st</sup> defendant Kunnathur Devaswom is now being performed by Sub Group Officer, Thrikuratti Devaswom appointed by Sub Divisional Magistrate Chengannur. It is also admitted that the Hon'ble High Court of Kerala and Hon'ble Additional Sessions Judge- I Mavelikara observed that such appointment is provisional

till the disposal of the Receiver petition pending before this court because the competent authority is the civil court and if there is any imminent danger or situation, that can be considered by the said court.

10. The plaintiffs who are the Kunnathur Devi Temple and certain devotees and the members of Kunnathur Devaswom board prayed to appoint a Receiver for the administration of the 1<sup>st</sup> defendant Kunnathur Devaswom by pointing out the maladministration and misappropriation fund of Kunnathur Devaswom Board. The main contention of the defendants is that the appointment of Receiver is beyond the scope of the suit and since the Receiver appointed by the Sub Divisional Magistrate Chengannur is carrying out administration of the 1<sup>st</sup> defendant Devaswom, the interference of the Civil Court is not required.

11. On going through the reliefs sought for in the plaint and the pleadings of both parties, it is obvious that the issues are centered around the mismanagement and misappropriation of the fund of Kunnathur Devaswom by the defendants. The pleadings and Exbt. A16 order of the Hon'ble Additional Sessions Court-I Mavelikara reveal that the plaintiffs challenged the amendments in the bylaw during the administration of the 1<sup>st</sup> defendant Devaswom by the defendants 2 to 7 and urged to conduct election in the 1<sup>st</sup>

defendant Kunnathur Devaswom by alleging that defendants 2 to 7 misappropriated the fund of the Devaswom without conducting any election as per bylaw. Due to the strong protest of the general body they were constrained to resign and an adhoc committee was appointed. But due to the political influence of the defendants, the said committee could not assume charge and subsequently Sub Divisional Magistrate appointed a Receiver. Since it was not a provisional order, it was challenged before the Hon'ble High Court of Kerala and the said order was partially set aside with a direction to readjudicate the matter. But Sub Divisional Magistrate arbitrarily added more parties and decided to hand over the administration to the defendants without considering the fact that they were resigned from the post. When the order was challenged in a revision petition, the Hon'ble Additional District Court- I, Mavelikara set aside the order of Sub Divisional Magistrate Chengannur and observed in Exbt. A16 order that the Sub Divisional Magistrate interfered in the matter while the suit and Receiver application is pending before the Sub Court Chengannur which is a competent Civil Court and directed the parties to approach this court for passing orders. So it is obvious that the maladministration and misappropriation of fund of Kunnathur Devaswom are the main issues

involved in the case. At this juncture, it cannot be considered that the Receiver application for the administration of the 1<sup>st</sup> defendant Kunnathur Devaswom during the pendency of the case is beyond the scope of the subject matter involved in this case.

12. Further the influence of this court is found necessary as Exbt. A16 order made it clear that the said appointment of a Receiver by Sub Divisional Magistrate was provisional till the disposal of the Receiver petition pending before this court. The proviso of Sec. 165 of The Bharathiya Nagarik Suraksha Sanhitha also points out that the said appointment of a Receiver by Sub Divisional Magistrate is extended upto the appointment of a Receiver by a Civil Court and he shall hand over the possession of the subject of dispute to the Receiver appointed by the Civil Court. So the contention of the learned counsel for the 2<sup>nd</sup> to 7<sup>th</sup> respondents is not sustainable.

13. So as to substantiate their allegations the plaintiffs/ petitioners produced Exbt. A1 to A16 documents and the plaintiffs/petitioners requested to mark the documents produced by the present Receiver of Kunnathur Devaswom. Those documents were marked as Exbt. B1 to Exbt. B8. Exbt. A1 is the charge mahazar prepared on 05-08-2024 while handing over the charge of the administration of the 1<sup>st</sup> defendant Devaswom to Thrikuratti

Sub Group Officer. As per the said report, the charge was handed over on 07-08-2024 in the presence of Tahsildar. Exbt. A2 is the basic tax receipt. Exbt. A3 is the copy of the udempadi vide No. 1848/1101 ME. Exbt. A4 and Exbt. A5 are the amended bylaws. Exbt. A6 and Exbt. A7 are the orders of the Hon'ble High Court of Kerala who intervened on the allegation of changing the parayeduppu function during the administration of the defendants 2 to 7 as office bearers of the 1<sup>st</sup> defendant Devaswom and the Hon'ble High Court of Kerala took necessary steps for ensuring the release and transportation of the elephant belonging to the 1<sup>st</sup> defendant Devaswom.

14. Exbt. A8 is the letter dated 09-11-2023 of the Auditor. It shows that due to the non corporation of office bearers they could not audit the accounts of the 1<sup>st</sup> defendant Devaswom for a period of 2 months. Even though they restarted auditing, they could not proceed with the same as the minutes books were not furnished till the month of December. Hence they requested the office bearers of Kunnathur Devaswom to furnish minutes book, rent register, Saphtham register, festival register, Parayeduppu register, marriage booking register, elephant booking register, 101 kalam register and gold stock register for the purpose of auditing.

15. Exbt. A9 is the report of the Auditor which pointed out the

anomalies in keeping registers without having proper entry of accounts by the office bearers of the 1<sup>st</sup> defendant Devaswom. He propounded that the office bearers tried to drag the auditing on lame excuses. There was no entry in the minutes book even for a month. The entries from 24-10-2023 to 30-11-2023 were made in the accounts book only on 23-12-2023. They did not ready to furnish records despite of sending two registered notice to the office bearers of the 1<sup>st</sup> defendant Devaswom by the Auditor. As per the minutes book Rs. 32,37,550/- (Rupees Thirty two lakhs thirty seven thousand five hundred and fifty only) of income was derived on 03-08-2023, 04-08-2023 and 05-08-2023, but no such entry was made in the accounts book by closing the account. He also observed that mere advance amount of hiring elephant on 03-08-2023 and 04-08-2023 was mentioned without disclosing the exact amount for hiring the elephant. The expenditure of the construction of the new kitchen was entered in a letter pad without having any bill, quotation, estimate agreement or plan. The entry of Rs. 5,00,000/- (Rupees Five lakhs only) shown in the account of festival of 2021-2022 was on expiry of 5 months from the date of festival. As per the pass book Rs. 10,050/- (Rupees Ten thousand and fifty only) was debited in the account of Devaswom on 18-08-2023. Meanwhile the said amount was shown in the minutes book as

Rs.1050/- (Rupees One thousand and fifty only). It is further revealed that the Kunnathur Devaswom had to remit Rs. 60,300/- (Rupees Sixty thousand and three hundred only) as the 1<sup>st</sup> installment of penalty for the unauthorized construction of Auditorium and its annexure building. It is pertinent to note that the auditor reported that he could not see any stock register including of gold as maintained in Kunnathur Devaswom. Exbt.A 9 document itself is sufficient to unravel the anomalies in the income and expenditure of the Devaswom and misappropriation fund of Devaswom without maintaining any proper registers for accounting the assets of the Devaswom.

16. Exbt. A10 and Exbt. A11 documents substantiate the finding of the Auditor that the 1<sup>st</sup> defendant Kunnathur Devaswom constructed building unauthorizedly without obtaining plan or permit. Since they violated the building rules, Rs. 1,94,400/- (Rupees one lakh ninety four thousand four hundred only) was imposed as penalty by the Tahsildar of Chengannur Taluk.

17. Exbt. A12 to Exbt. A14 are the newspaper reports regarding the maladministration of the 1<sup>st</sup> defendant Kunnathur Devaswom and protection of devotees. Exbt. A15 is the festival notice of the 1<sup>st</sup> plaintiff temple in the year 2024 which shows the office bearers during that period. Exbt. A16 is the order in Crl. RP No. 1/2025 of the Hon'ble Additional Sessions Judge-I

Mavelikara. By the order of said revision petition, the order of the Sub Divisional Magistrate dated 01-01-2025 with a direction to hand over the keys and documents to B party who are the prior office bearers of Kunnathur Devaswom was set aside and directed to approach this court for a remedy as the Receiver petition and the suit have been pending before this court for adjudication.

18. Even though the Sub Group Officer of Thrikkuratti Devaswom who is representing now the 1<sup>st</sup> defendant Devaswom as its temporary Receiver was directed to produce the registers and the records of the 1<sup>st</sup> defendant Devaswom, he produced eight documents only and filed an affidavit that the records relating to the accounts before 13-10-2024 were seized by Vigilance and the stock register of gold received as offerings from 17-07-2024 is also under the custody of Vigilance. Further there was no booking for hiring the elephant of the 1<sup>st</sup> defendant Devaswom and there was no maintenance done on the vehicle used for carrying the elephant and the offerings of the devotees are used for the day to day affairs of the temple, the said documents could not be produced. As rightly pointed out by the learned counsel for the petitioners and 17<sup>th</sup> respondent, the present Receiver did not ready to furnish the receipts issued by the Vigilance if those registers were taken into custody.

They did not show any sufficient reason why they failed to produce the receipts given by the Vigilance. The documents produced by the 1<sup>st</sup> defendant also reveals the patent disparities and ambiguities in the entries of accounts in connection with the income and expenditure of the 1<sup>st</sup> defendant Devaswom.

19. Exbt. B1 is the RC particulars of the vehicle of the 1<sup>st</sup> defendant Devaswom. Exbt. B2 is the account statements of Mannar Service Co operative bank from 24-04-2025 to 07-03-2026. The learned counsel for the plaintiffs/petitioners argued that the Receivers appointed by the Sub Divisional Magistrate opened a new account at Mannar Service Co-operative bank which is beyond the territory of the 1<sup>st</sup> defendant Devaswom. The present Receiver could not give any explanation why a new account was opened for Kunnathur Devaswom at Mannar Service co operative bank. Further it shows that on 24-04-2025 when the account was opened is only Rs. 5,000/- (Rupees Five thousand only) was shown as balance in the account. But on 02-05-2025 Rs. 4,20,000/- (Rupees four lakhs twenty thousand only) was credited to the said account by cash. None of the defendants including the present Receiver gave any explanation why such huge amount was kept in the possession of Receiver or any other person

without remitting the same in bank in time. Moreover, the particulars of the the account statement do not tally with the entries of the registers relating to the income and expenditure of the 1<sup>st</sup> defendant Devaswom.

20. Exbt. B3 is the register for booking Auditorium of the 1<sup>st</sup> defendant Devaswom. The entries in the said document shows that only advance amount of Rs. 5,000/- (Rupees Five thousand only) has proper entry with date. There is no proof when the balance amount of Rs. 60,000/- (Rupees Sixty thousand only) was paid by the person who booked the auditorium. In Exbt. B5 register for hiring the elephant of Kunnathur Devaswom, the same omissions are noted in the entries. There is no fixed amount for hiring the elephant. It is varied from person to person. In Exbt. B5 register also there is no mention regarding when the balance amount excluding the advance amount was remitted. The present or prior authority administering the Kunnathur Devaswom does not have any explanation with respect to the said patent defects in the entries made in the registers. All these indicates the possibilities of misappropriation of fund of Kunnathur Devaswom.

21. Exbt. B4 and B6 are the minutes book of Kunnathur Devaswom. As stated earlier the bank statements and the entries in the minutes book regarding the income and expenditure do not have any connection with each

other. In Exbt. B6 minutes book during the period of the present Receiver, there is no clarity in the entries. Without having any specification the income and expenditure are merely shown in figures. There is no explanation regarding the source of income and expenditure incurred on each day. So it is obvious that still there is no clarity regarding the income and expenditure of the 1<sup>st</sup> defendant Kunnathur Devaswom. There was no proper entry in the registers concerned and the entries in the registers are not tally with the amount credited in the bank account of 1<sup>st</sup> defendant Kunnathur Devaswom. Exbt. B7 is the 30 gold thalies dedicated by the devotees from 09-12-2024 to 22-07-2025. The present Receiver or other defendants do not have any idea who and at where the said gold items were kept. Even though the petitioners alleged that 1225 gms of gold were kept in a shelf at the premises of Devaswom without having any safety measures, the said fact was not at all denied by any of the defendants. There is no evidence adduced to show that the present Receiver inspected the stock register or ascertained the temple gold ornaments and other valuables while taking charge of Kunnathur Devaswom.

22. The present Receiver produced Exbt. B8 audit report. But on perusal of the same it made clear that it is for a period from 23-11-2024 to

31-12-2025 and those report is not sufficient to explain the disparity in the accounts statements of Kunnathur Devaswom. Rather it probablized the allegations in the Receiver application regarding the maladministration and misappropriation of funds of Kunnathur Devaswom. Exbt. B8 pointed out that the balance sheet showing the assets and liabilities of the temple on 31<sup>st</sup> December 2025 has not been prepared by the earlier Receiver P.D Sreenivasan, thereby the same was not made available for audit. The gold register and other related records were not produced for auditing. The auditors have not carried out physical verification of temple properties, fixed assets or other movable assets and therefore the auditors are not able to express any opinion regarding its existence, condition and valuation. It further revealed that financial transactions made through UPI payments could not be verified due to the absence of proper supporting documentation. In several instances bank payments recorded in the books did not contain proper narration, and details such as cheque number, date and bank references were not available. As the Gold Register was not produced for verification, they were unable to verify the existence or quantity of temple ornaments and valuables. There is no explanation offered from the side of the defendants regarding the material omissions in the entries of the registers. It

is evident from the documents produced before the court that the income and expenditure and the movable and immovable properties including valuable temple ornaments of the Kunnathur Devaswom have not been properly accounted and maintained.

23. At present there is no competent person to explain the anomalies in the income and expenditure of Kunnathur Devaswom and there is no proper custodian for protecting the assets including the gold ornaments of Kunnathur Devaswom. All these facts and circumstance existed in the 1<sup>st</sup> defendant Kunnathur Devaswom indubitably point out that the assets of the Kunnathur Devaswom is in the danger of exploitation as it is not properly accounted and maintained. Both parties admitted that there is no elected body at present for the administration of the 1<sup>st</sup> defendant Kunnathur Devaswom as per bylaw. It is also an admitted fact that the prior Receiver appointed by Sub Divisional Magistrate was arrested by Vigilance on corruption and gold ornaments of the 1<sup>st</sup> plaintiff temple were recovered from his house. The records produced during the period of the present temporary Receiver is also not proper. He is not able to explain the reason for the disparity in the entries of the registers concerned. So I am satisfied that for protecting the movable and immovable properties including valuables of

Kunnathur Devaswom, appointment of a Receiver is highly necessary in this case. Hence the prayer in the petition is allowable.

In the result the petition is allowed. Advocate Sreelekha. A, who is the Official Receiver is appointed as the Receiver for taking possession of the 1<sup>st</sup> defendant Kunnathur Devaswom properties and for its management until further orders. The following are the functions to be discharged by the Receiver in the administration of the temple and the management of its properties.

1. Supervise the day to day affairs of the 1<sup>st</sup> plaintiff temple
2. To appoint staff whenever required after obtaining permission from the court.
3. To monitor the income and expenditure of the temple and the 1<sup>st</sup> defendant Devaswom properties and subject the income to periodical audit.
4. To take appropriate measures for the maintenance of the temple and the shrines/buildings appurtenant to it with previous permission of the court.
5. To sell by public auction those material things received as offerings which are not possible to be preserved.

6. To maintain accounts properly.
7. To supervise the conduct of festivals and periodical spiritual events.
8. Such other functions which are expedient for the management and administration of the temple and which are beneficial for the devotees.
9. The decisions if any taken by the Receiver regarding any new course of action shall be submitted for scrutiny and approval by this court.
10. The Receiver shall submit report corresponding to each month to this court not later than on 5<sup>th</sup> of the succeeding month.
11. The remuneration of the Official Receiver is fixed as Rs. 5,000/- (Rupees Five thousand only) which shall be met out from the income of the Kunnathur Devaswom properties.
12. Communicate the order to the Receiver, Sub Divisional Magistrate Chengannur, Tahsildar Chengannur, Village Office Mannar and SHO Chengannur.

(Dictated to the confidential Assistant, transcribed and typed by her, corrected by me and pronounced in Open Court on this the 28<sup>th</sup> day of March 2026.)

Sd/-  
**Veena. V.S**  
**Sub Judge**

**Appendix:****Witness from the side of the Petitioner**

A1	-	05.08.2024	-	Charge Mahazar
A2	-	---	-	Tax Receipt
A3	-	----	-	Copy of Udampadi Vide No. 1848/1101ME
A4	-	----	-	Amended bylaw
A5	-	----	-	Amended bylaw
A6	-	----	-	Order of the Hon'ble High Court
A7	-	----	-	Order of the Hon'ble High Court
A8	-	09.11.2023	-	Letter of Auditors
A9	-	---	-	Report of the Auditor
A10	-	26.10.2023	-	Tax levied order
A11	-	-----	-	Copy of application and its reply as per the Public Information Act 2005.
A12	-	---	-	Newspaper reports
A13	-	---	-	Newspaper reports
A14	-	----	-	Newspaper reports
A15	-	----	-	Festival Notice
A16	-	---	-	Order in CrI.RP. No. 01/25 of the Hon'ble Addl. Sessions Judge- I, Mavelikara

**Exhibits from the side of the Petitioner:**

B1	-	----	-	RC Particulars of Vehicle of First defendant Devaswom
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- B2 - 24.04.2025 to  
07.03.2026 - Account Statements of  
Mannar Service Co - operative bank
- B3 - ---- - Register for booking Auditorium of the  
First defendant Devaswom
- B4 - ----- - Minutes Book of Kunnathur Devaswom
- B5 - ---- - Register for hiring the Elephant
- B6 - ---- - Minutes Book of Kunnathur Devaswom
- B7 - ---- - Relevant page of Register of 30 gold  
Thalies
- B8 - 07.01.2026 - Audit report

Id/-  
**Sub Judge**

//True Copy//

**Sub Judge**

Typed By: Sandhya  
Comped By: Anjali