



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

W.P.(C)NO.33516 OF 2023

PETITIONER:

R.V. BABU
AGED 52 YEARS
S/O. V. K. VISWANATHAN, RESIDING AT NALINAM, MOOKAMBIKA
ROAD, NORTH PARAVOOR, ERNAKULAM, KERALA, PIN - 683513

BY ADVS.
SAJITH KUMAR V.
VIVEK A.V.
SREEHARI V.S.
ARCHANA VIJAYAN

RESPONDENTS:

- 1 THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT, DEPARTMENT
FOR DEVASWOM, GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
DESCRIPTION OF 1ST RESPONDENT IS CORRECTED AS THE STATE OF
KERALA, REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 (AS PER
ORDER DATED 12-10-2023)
- 2 THE GURUVAYOOR DEVASWOM MANAGING COMMITTEE
REPRESENTED THROUGH ADMINISTRATOR, GURUVAYOOR DEVASWOM,
GURUVAYUR P.O., THRISSUR DISTRICT, PIN - 680101
- 3 THE ADMINISTRATOR
GURUVAYOOR DEVASWOM, GURUVAYUR P.O., THRISSUR DISTRICT,
PIN - 680101
- 4 THE CHAIRMAN
GURUVAYOOR DEVASWOM MANAGING COMMITTEE, GURUVAYOOR
DEVASWOM, GURUVAYUR P.O., THRISSUR DISTRICT, PIN - 680101
- 5 THE COMMISSIONER
GURUVAYOOR DEVASWOM, GURUVAYUR P.O., THRISSUR DISTRICT,
PIN - 680101



6 THE SECRETARY,
GURUVAYOOR MUNICIPALITY, GURUVAYOOR, THRISSUR, PIN -
680101

DESCRIPTION OF 6TH RESPONDENT IS CORRECTED AS GURUVAYOOR
MUNICIPALITY, REPRESENTED BY ITS SECRETARY, GURUVAYOOR,
THRISSUR, PIN - 680101 (AS PER ORDER DATED 12-10-2023)

OTHER PRESENT
SRI. T.K. VIPINDAS, SC, GDB
SRI. V.N. HARIDAS, SC, GURUVAYOOR MUNICIPALITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03.03.2025, ALONG WITH WP(C).35459/2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDHAN

&

THE HONOURABLE MR. JUSTICE MURALEE KRISHNA S.

MONDAY, THE 3RD DAY OF MARCH 2025 / 12TH PHALGUNA, 1946

W.P. (C) NO. 35459 OF 2023

PETITIONER:

BIJESH KUMAR.M
AGED 41 YEARS
S/O.GOPALAKRISHNAN, MARATH HOUSE, THAMARAYOOR.P.O.
GURUVAYURTHRISSUR DISTRICT., PIN - 680505

BY ADV JOSEPH GEORGE

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, REVENUE (DEVASWOM)
DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 GURUVAYUR DEVASWOM COMMISSIONER
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 3 GURUVAYUR DEVASWOM MANAGING COMMITTEE
GURUVAYUR DEVASWOM, GURUVAYUR-680101, REPRESENTED BY ITS
ADMINISTRATOR, PIN - 680101
- 4 THE ADMINISTRATOR
GURUVAYUR DEVASWOM, GURUVAYUR, PIN - 680101
- 5 GURUVAYUR MUNICIPALITY
GURUVAYUR, THRISSUR REPRESENTED BY ITS SECRETARY,
PIN - 680101

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03.03.2025, ALONG WITH WP(C).33516/2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



JUDGMENT

Anil K. Narendran, J.

The petitioners in these writ petitions are the devotees of Guruvayur Sree Krishna Temple, which is under the management of Guruvayur Devaswom Managing Committee constituted under the Guruvayur Devaswom Act, 1978. W.P.(C)No.33516 of 2023 is one filed under Article 226 of the Constitution of India, seeking a writ of certiorari to quash Ext.P1 order dated 17.07.2023 of the 5th respondent Commissioner, Guruvayur Devaswom, granting permission for constructing a railway underpass as access for Thiruvenkilom Temple, which is a temple under the management of Thirupathi Thirumala Devaswom. The petitioner has also sought for other consequential reliefs in the said writ petition. In W.P.(C)No. 35459 of 2023 the petitioner has sought for a writ of certiorari to quash Ext.P8 decision No.71 dated 28.04.2023 of the 3rd respondent Guruvayur Devaswom Managing Committee and Ext.P13 order dated 17.07.2023 of the 2nd respondent Commissioner, Guruvayur Devaswom [which is Ext.P1 in W.P.(C)No.33516 of 2023]. The petitioner has also sought for other consequential reliefs.



2. On 12.10.2023, when W.P.(C)No.33516 of 2023, came up for admission, the learned Senior Government Pleader, the learned Standing Counsel for Guruvayur Devaswom Managing Committee and the learned Standing Counsel for Guruvayur Municipality sought time to get instructions. By the order dated 12.10.2023, this Court granted an order of 'status quo' in respect of the project in question for a period of two weeks. Paragraphs 3 to 5 of that order read thus;

"3. The learned Standing Counsel for the 6th respondent-Municipality would submit that the proposal to have an underpass and approach road is yet to be finalised.

4. The learned Standing Counsel for Guruvayur Devaswom Managing Committee and the learned Standing Counsel for Guruvayur Municipality shall make available for the perusal of this Court the relevant files, on the next posting date.

5. The order of status quo as on today in respect of the project in question shall be maintained for a period of two weeks."

3. During the pendency of W.P.(C)No.33516 of 2023, the second writ petition, i.e., W.P.(C)No.35459 of 2023 was filed, which came up for admission on 28.10.2023. In the order dated 28.10.2023, this Court noticed the interim order of status quo granted in the connected matter, i.e., W.P.(C)No.33516 of 2023. The said interim order, which was extended from time to time, is



still in force.

4. In W.P.(C)No.33516 of 2023, respondents 2 to 4 have filed a counter affidavit dated 19.12.2023, producing therewith Exts.R2(a) to R2(e) documents. The 6th respondent has filed a counter affidavit dated 16.01.2024. The 5th respondent has also filed a counter affidavit dated 22.10.2024.

5. Paragraphs 2 to 4 of the counter affidavit dated 19.12.2023 filed by respondents 2 to 4 in W.P.(C)No.33516 of 2023, read thus;

"2. It is submitted that the 6th respondent has requested the Guruvayur Devaswom Managing Committee to provide 10.87 cents of land from "Thiruthikattu parambu" for the development of approach road and construction of subway near Thiruvenkilam Temple. Thereafter the 6th respondent as per letter dated 18.03.2023 intimated that after the combined inspection conducted by the officials of Devaswom, Municipality and officials from the K-rail, it is found that 9.62 cents of land is required for the railway subway near Thiruvenkilam temple. The Guruvayur Devaswom Managing Committee as per resolution No.71 dated 28.04.2023 decided to provide 9.62 cents of land to the 6th respondent for the above purpose by retaining the ownership in Devaswom subject to the further orders from the 5th respondent. The true copy of the resolution No.71 of Guruvayur Devaswom Managing Committee dated 28.04.2023 is produced herewith and marked as Ext.R2(a).



3. It is submitted that this respondent has communicated Ext.R2(a) before the 5th respondent and requested to take appropriate action in accordance with Section 11(3) of Guruvayur Devaswom Act. The true copy of the communication dated 24.05.2023 is produced herewith and marked as Ext.R2(b). Thereafter, the 5th respondent issued a notice as per Section 11(3) of Guruvayur Devaswom Act and call for objection from the public as stipulated by the Act. The true copy of the notice dated 15.06.2023 issued by the 5th respondent is produced herewith and marked as Ext.R2(c). This respondent has published Ext.R2(c) on the Devaswom notice board and also in Guruvayur Devaswom website. After due publication of Ext.R2(c) the 5th respondent has issued Ext.P1 order permitting Devaswom to surrender or transfer 9.62 cents of land from Thiruthikattu parambu for the construction of subway near Thiruvenkitam Temple.

4. It is submitted that thereafter on 11.09.2023 the 5th respondent has issued another communication directed the Devaswom to furnish a report regarding the benefits specifically temple and the devotees by giving away the possession of 9.62 land to the 6th respondent for the construction of Thiruvenkitam Railway subway/approach road. The true copy of the communication dated 11.09.2023 issued by the 5th respondent to the 2nd respondent is produced herewith and marked as Ext.R2(d). This respondent has filed a report before the 5th respondent intimating the benefits of Temple and the devotees by way of transfer of the property. The true copy of the communication dated 17.10.2023 issued by the 5th



respondent is produced herewith and marked as Ext.R2(e). Even though Ext.R2(d) has been issued, it would not take effect immediately. The proposal has to be accepted by the Railway Authorities. The condition imposed by the 6th respondent also has to be accepted by the Railway Authorities only then Ext.R2(d) would take effect. Therefore, the writ petition at this stage is highly premature and is liable to be dismissed."

6. In W.P.(C)No.35459 of 2023, the 5th respondent has filed a counter affidavit dated 16.01.2024, which was followed by a counter affidavit dated 29.01.2024 filed by respondents 3 and 4, producing therewith Exts.R3(a) to R3(c) documents. The 2nd respondent has also filed a counter affidavit dated 22.10.2024.

7. On 30.01.2025, when these writ petitions came up for consideration, the learned Standing Counsel for Guruvayur Municipality, on instructions, submitted that there is a proposal from Southern Railway for an underpass through an alternate alignment, which will not in any manner affect the land of Guruvayur Devaswom. The said proposal is being considered by the Municipal Council on 30.01.2025.

8. On 24.02.2025, the learned Standing Counsel for Guruvayur Municipality has made available for the perusal of this Court a letter dated 04.11.2024 of the Divisional Manager,



Southern Railway, accepting the alternate proposal for the underpass, which will not affect the land of Guruvayur Devaswom.

9. The learned Standing Counsel for Guruvayur Municipality has placed on record, along with I.A.No.1 of 2025 in W.P.(C)No.35459 of 2023, a copy of the approval granted by Southern Railway on 04.11.2024, a copy of the approved construction sketch, etc., and also the copy of the Municipal Council decision dated 30.01.2025. Paragraph 3 of the affidavit filed in support of the said interlocutory application reads thus;

"3. It is respectfully submitted that the Southern Railway has approved another alignment of Limited height use subway Km 22/900. A true copy of the Approval letter issued by the Southern Railway, dated 04.11.2024 is produced herewith and may kindly be marked as Ext.R5(a). A true copy of the construction sketch approved by the Southern Railway is produced herewith and may kindly be marked as Ext.R5(b). Later the Southern Railway sought municipality approval for the changes in the proposed road alignment. A true copy of the letter issued from the Southern Railway dated NIL and inwards in the Municipal record as dated 16.01.2025 is produced herewith and may kindly be marked as Ext.R5(c). On the basis of the above-mentioned letter from the Railway, the municipal council considered the matter on 30.01.2025. A true copy of the municipal council decision dated 30.01.2025 is produced herewith and may kindly be



marked as Ext.R5(d)."

10. Heard the learned counsel for the petitioner in the respective writ petitions, the learned Special Government Pleader with the learned Advocate General, the learned Standing Counsel for Guruvayur Devaswom Managing Committee and also the learned Standing Counsel for Guruvayur Municipality.

11. Having considered the materials on record and also the submissions made at the Bar, we notice that an alternate alignment for the underpass has already been approved by Southern Railway, as evident from Exts.R5(a) and R5(b), which will not in any manner affect the property of Guruvayur Devaswom.

In such circumstances, these writ petitions are disposed of, taking note of the approval granted by Southern Railway for an underpass in the area in question, without affecting the land of Guruvayur Devaswom.

Sd/-

ANIL K. NARENDRA, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE



APPENDIX OF WP(C) 35459/2023

PETITIONER EXHIBITS

- | | |
|-------------|---|
| EXHIBIT P1 | TRUE COPY OF THE GOOGLE MAP SHOWING THE GURUVAYUR TEMPLE AND ITS SURROUNDING AREAS DOWNLOADED FROM THE GOOGLE WEBSITE DATED NIL |
| EXHIBIT P2 | TRUE COPY OF THE COMMUNICATION NO.E1-2811/17 DATED 11/08/2022 ISSUED BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT |
| EXHIBIT P3 | TRUE COPY OF THE LETTER NO.E1/2811/17 DATED 28/10/2022 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT ALONG WITH THREE SKETCHES THEREIN |
| EXHIBIT P4 | TRUE COPY OF THE REPORT NO.B3- 8023/22 DATED 15/12/2022 OF THE EXECUTIVE ENGINEER IN CHARGE (CIVIL) OF THE 3RD RESPONDENT TO THE 4TH RESPONDENT |
| EXHIBIT P5 | TRUE COPY OF THE LETTER NO.E1/2811/17 DATED 21/12/2022 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT |
| EXHIBIT P6 | TRUE COPY OF THE AGENDA NO.B3- 8023/22 DATED 23/01/2023 AND THE DECISION OF THE 3TH RESPONDENT ENDORSED THERE ON DATED 28/04/2023 |
| EXHIBIT P7 | TRUE COPY OF THE LETTER NO.E1/2811/17 DATED 18/04/20223 SENT BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT |
| EXHIBIT P8 | TRUE COPY OF THE DECISION NO.71 DATED 28/04/2023 OF THE 3TH RESPONDENT |
| EXHIBIT P9 | TRUE COPY OF THE LETTER NO.E1/2811/17 DATED 10/05/2023 OF THE 5TH RESPONDENT ALONG WITH THE SKETCH THEREIN DATED NIL PREPARED BY JOINT GENERAL MANAGER (CIVIL) K RAIL ERNAKULAM |
| EXHIBIT P10 | TRUE COPY OF THE REQUEST DATED B3-8023/2022 DATED 24/05/2023 SENT BY THE 4TH RESPONDENT TO THE 2TH RESPONDENT |



EXHIBIT P11 TRUE COPY OF THE NOTICE NO.GDC1/39/2023-GDC
DATED 15/06/2023 ISSUED BY THE 2TH
RESPONDENT

EXHIBIT P12 TRUE COPY OF THE NOTE NO.D3- 8023/2022
DATED 26/06/2022 ISSUED BY DEPUTY
ADMINISTRATOR OF THE 3TH RESPONDENT

EXHIBIT P13 TRUE COPY OF THE ORDER NO.GDC1/39/2023-GDC
DATED 17/07/2023 ISSUED BY THE 2TH
RESPONDENT

EXHIBIT P14 TRUE COPY OF THE OBJECTION DATED 24/07/2023
SUBMITTED BY THE PRESIDENT OF GURUVAYUR
KSHETHRA RAKSHA SAMITHI TO THE 2ND
RESPONDENT

EXHIBIT P15 TRUE COPY OF THE OBJECTION DATED 27/07/2023
SUBMITTED BY THE PRESIDENT OF GURUVAYUR
KSHETHRA RAKSHA SAMITHI TO THE 4TH
RESPONDENT

EXHIBIT P16 TRUE COPY OF THE RTA REPLY DATED 30/11/2016
AND THE LIST OF LANDS ACQUIRED BY GURUVAYUR
DEVASWOM UPTO NOVEMBER 2011 ISSUED BY THE
DEPUTY ADMINISTRATOR OF THE 3TH RESPONDENT
TO THE PETITIONER

EXHIBIT P17 TRUE COPY OF THE JUDGMENT DATED 29/08/2017
PASSED BY THIS HON'BLE COURT IN L.A.APEAL
NO.351/2011 FILED BY THE SECRETARY OF THE
5TH RESPONDENT WITH RESPECT TO THE LAND
ACQUIRED BY THE 3RD RESPONDENT

RESPONDENT EXHIBITS

EXHIBIT R3(A) THE TRUE COPY OF THE COMMUNICATION DATED
11.9.2023 ISSUED BY THE 2ND RESPONDENT TO
THE 4TH RESPONDENT

EXHIBIT R3(B) THE TRUE COPY OF THE COMMUNICATION DATED
17.10.2023 ISSUED BY THE 2ND RESPONDENT

EXHIBIT R3(C) THE TRUE COPY OF THE AWARD AND OBJECT OF
THE LAND ACQUISITION ORDER PASSED BY THE
SPECIAL TAHSILDAR, LAND ACQUISITION

EXHIBIT R5(A) A TRUE COPY OF THE APPROVAL LETTER ISSUED
BY THE SOUTHERN RAILWAY, DATED 04/11/2024



- EXHIBIT R5 (B)** **A TRUE COPY OF THE CONSTRUCTION SKETCH
APPROVED BY THE SOUTHERN RAILWAY**
- EXHIBIT R5 (C)** **A TRUE COPY OF THE LETTER ISSUED FROM THE
SOUTHERN RAILWAY DATED NIL AND INWARDED IN
THE MUNICIPAL RECORD AS DATED 16.01.2025**
- EXHIBIT R5 (D)** **A TRUE COPY OF THE MUNICIPAL COUNCIL
DECISION DATED 30/01/2025**



APPENDIX OF WP(C) 33516/2023

PETITIONER EXHIBITS

- EXHIBIT P1** **A TRUE COPY OF THE PROCEEDINGS G.D.C-
1/39/2023-G.D.C DATED 17.07.2023 ISSUED BY
THE 5TH RESPONDENT**
- EXHIBIT P2** **A TRUE COPY OF THE RELEVANT PAGES OF THE
BOOK CHANGING KERALA POPULATION GROWTH AND
ECONOMIC DEVELOPMENT OF RELIGIOUS
DENOMINATIONS**
- EXHIBIT P3** **A TRUE COPY OF THE TRAFFIC MAP OF
GURUVAYOOR PUBLISHED BY THE GURUVAYOOR
MUNICIPALITY**
- EXHIBIT P4** **A TRUE COPY OF THE ROUTE MAP TO GURUVAYOOR
FROM ERNAKULAM**
- EXHIBIT P4 (A)** **A TRUE COPY OF THE ROUTE MAP TO GURUVAYOOR
FROM THRISSUR VIA MUNDUR**
- EXHIBIT P4 (B)** **A TRUE COPY OF THE ROUTE MAP TO GURUVAYOOR
FROM THRISSUR VIA POOVATHUR**
- EXHIBIT P4 (C)** **A TRUE COPY OF THE ROUTE MAP TO GURUVAYOOR
FROM KOZHIKODE**

RESPONDENT EXHIBITS

- EXHIBIT R2 (A)** **THE TRUE COPY OF THE RESOLUTION NO.71 OF
GURUVAYUR DEVASWOM MANAGING COMMITTEE DATED
28-04-2023**
- EXHIBIT R2 (B)** **THE TRUE COPY OF THE COMMUNICATION NO. B3-
8023/2022 DATED 24-05-2023**
- EXHIBIT R2 (C)** **THE TRUE COPY OF THE NOTICE DATED 15-06-
2023 ISSUED BY THE 5TH RESPONDENT**
- EXHIBIT R2 (D)** **THE TRUE COPY OF THE COMMUNICATION DATED
11-9-2023 ISSUED BY THE 5TH RESPONDENT TO
THE 2ND RESPONDENT**
- EXHIBIT R(E)** **THE TRUE COPY OF THE COMMUNICATION DATED
17-10-2023 ISSUED BY THE 5TH RESPONDENT**