

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 20<sup>TH</sup> DAY OF FEBRUARY 2025/1ST PHALGUNA, 1946

DBA NO. 3 OF 2025

PETITIONER:

COCHIN DEVASWOM BOARD  
ROUND NORTH, THRISSUR - REPRESENTED BY ITS  
SECRETARY, PIN - 680001

BY ADV K.P.SUDHEER, SC, COCHIN DEVASWOM BOARD

RESPONDENTS:

SENIOR DEPUTY DIRECTOR  
KERALA STATE AUDIT DEPARTMENT, COCHIN DEVASWOM  
AUDIT, ROUND NORTH, THRISSUR, PIN - 680001

SRI. S. RAJMOHAN, SR. GP

THIS DEVASWOM BOARD APPLICATION HAVING COME UP FOR  
ADMISSION ON 20.02.2025, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:



## **ORDER**

### **Anil K. Narendran, J**

The Cochin Devaswom Board has filed this DBA seeking permission to put up advertisement boards on the iron grills around Thekkinkad Maidan, as requested in Annexure A8 request dated 16.12.2024 made by the Devaswom Manager, Vadakkumnatha Devaswom to the Commissioner, Cochin Devaswom Board. In the affidavit filed in support of this application, it is stated that by Annexure A7 order dated 09.10.2024 in DBP No.76 of 2024, this Court granted permission to the Cochin Devaswom Board to undertake the repair/renovation work of the existing compound wall of the Vadakkumnatha Ksehthra Maidan (Thekkinkad Maidan) of Sree Vadakkumnatha Temple. Since the term of the Temple Advisory Committee of Sree Vadakkumnatha Temple expired, the Thiruvathira festival of the temple was directly conducted by the Board. The request made by the Devaswom Manager in Annexure A8 is for permission to put up advertisement boards for generating funds for Sivarathri festival scheduled on 26.02.2025. Based on Annexure A8 request, the Board has



passed Annexure A9 order dated 01.02.2025, whereby a decision has been taken to approach this Court seeking permission to get approval for the aforesaid request. The earlier orders of this Court, i.e., Annexures A1 to A6, are also produced along with this DBA.

2. On 17.02.2025, when this DBA came up for consideration, the learned Standing Counsel for Cochin Devaswom Board sought time to place on record a few photographs of the iron grills in the compound wall of Thekkinkadu Maidan.

3. On 18.02.2025, the learned Standing Counsel for Cochin Devaswom Board made available for the perusal of this Court a few photographs of the retaining wall of Thekkinkadu Maidan, where works relating to renovation of the compound wall in terms of Annexure A7 order in DBP No.76 of 2024 is going on. After arguing for some time, the learned Standing Counsel sought time to place on record further details of the proposal made in this DBA. Thereafter, on 19.02.2025, I.A.No.1 of 2025 was filed by the Board, producing therewith Annexure A10 photographs. The said photographs are extracted hereunder;



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**Nehru Mandapam**



**Naikkanal junction**



**Manikandal**



**East Nada  
(opposite Paramekkavu Temple)**





West Nada - Right side



West Nada - Left side



Opposite District Hospital



Opposite CMS School



Opposite of Thekkemadom Road



Nehru Park





4. Heard the learned Standing Counsel for Cochin Devaswom Board for the applicant and the learned Senior Government Pleader for the respondent Senior Deputy Director, Kerala State Audit Department, Cochin Devaswom Board Audit.

5. Annexure A5 order dated 29.07.2022 in DBP No.31 of 2022 is the one rendered by a Division Bench of this Court, in which one among us [Anil K. Narendran, J.] was a party, after taking note of certain orders among Annexures A1 to A4. By Annexure A5 order, this Court granted permission to the Cochin Devaswom Board to conduct Onam exhibition/trade fair in Thrissur Pooram Exhibition Ground in Thekkinkad Maidan, for the year 2022, subject to the condition that the conduct of exhibition/trade fair shall be confined to the exhibition ground in Thekkinkad Maidan where there is no afforestation activity by planting teak or such other trees. That permission was subject to the conditions stipulated in Paragraphs 29.1 to 29.4 of that order.

6. Annexure A5 order was followed by Annexure A6 judgment dated 11.04.2023 in W.P.(C)Nos.26499 of 2018 and 4617 of 2022. The issue raised in those writ petitions relates to



protection of Vadakkumnatha Kshethra Maidan (Thekkinkad Maidan) of Sree Vadakkumnatha Temple. By Annexure A6 judgment, the Cochin Devaswom Board and its officials were directed to ensure strict compliance of the law laid down by this Court in **Satheesh v. Travancore Devaswom Board and others [2022 (1) KLT 940]** in respect of all temples under its management, by ensuring that no hoardings, advertisement boards, etc., or any temporary structures are erected on the right of way or pedestrian facilities of public roads around the premises of the temples under its management, in connection with annual festival and other religious ceremonies. In Annexure A6 judgment, the Secretary of Thrissur Municipal Corporation was directed to ensure strict compliance of the law laid down by this Court in **Satheesh [2022 (1) KLT 940]**, by ensuring that no hoardings, advertisement boards, etc., or any temporary structures are erected on the right of way or pedestrian facilities of public roads within the area of Thrissur Municipal Corporation, forcing pedestrians including those with disabilities and reduced mobility to walk in unsafe circumstances.



7. Seeking permission for the repair/renovation of the existing compound wall of Vadakkumnatha Kshethra Maidan (Thekkinkad Maidan) of Sree Vadakkumnatha Temple, the Cochin Devaswom Board filed petition No.1 of 2024 in which the learned Ombudsman filed Report No.43 of 2024, based on which DBP No.76 of 2024 was registered. That DBP was disposed of by Annexure A7 order dated 09.10.2024 granting permission to the Board to undertake the repair/renovation work of the existing compound wall of Vadakkumnatha Kshethra Maidan (Thekkinkad Maidan), strictly in terms of Annexure A6 No Objection Certificate dated 10.08.2023 granted by the National Monuments Authority of India, Ministry of Culture, Government of India and Annexure A7 permission dated 07.09.2023 granted by the competent authority for the State of Kerala, and subject to the conditions stipulated in Annexures A6 and A7, and also all factors mentioned in Annexure O6 remarks dated 06.06.2024 of the Deputy Director, Kerala State Audit Department, Cochin Devaswom Board Audit.

8. In Paragraph No.9 of Annexure A7 order in DBP No.76 of 2024, this Court noticed the submission made by the learned



Standing Counsel for Cochin Devaswom Board that the footpath outside the compound wall of Thekkinkad Maidan is on the land of Vadakkumnatha Devaswom, which has been leased out to Thrissur Municipal Corporation for providing a footpath.

Paragraph No.9 of that order reads thus;

“9. During the course of arguments, the learned Standing Counsel for Cochin Devaswom Board has made available for the perusal of this Court a few photographs showing the present condition of the grill, advertisement boards, and hoardings on the compound wall of Vadakkumnatha Kshethra Maidan (Thekkinkad Maidan). On a query made by this Court, the learned Standing Counsel for the Board would submit that the footpath outside the compound wall of Thekkinkad Maidan is on the land of Vadakkumnathan Devaswom, which has been leased out to the 2<sup>nd</sup> respondent Thrissur Municipal Corporation for providing a footpath.”

(Underline supplied)

9. Having considered the materials on record and the submissions made at the Bar, we notice that the footpath surrounding the compound wall of Vadakkumnatha Kshethra Maidan (Thekkinkad Maidan) is on the land of Vadakkumnatha Devaswom, which has been leased out to the Thrissur Municipal Corporation for providing footpath. Now the repair/renovation



work of the existing compound wall with provision for advertisement boards on the iron grill, is going on in terms of Annexure A7 order of this Court dated 09.10.2024 in DBP No.76 of 2024. From the photographs extracted hereinbefore at paragraph 3 (page Nos.4 and 5), we notice that the request made by the Cochin Devaswom Board is now confined to have advertisement boards having a size of 10 feet x 3 feet in the entry to Thekkinkadu Maidan near Nehru Mandapam, Naikkanal Junction, Manikandal, East Nada (opposite to Paramekkavu Temple), West Nada - right side and left side, opposite to District Hospital, opposite to CMS School, opposite to Thekkemadam and near Nehru Park.

In such circumstances, we deem it appropriate to grant permission to the Cochin Devaswom Board to exhibit advertisement boards having a size of 10 feet x 3 feet in the entry to Thekkinkadu Maidan near Nehru Mandapam, Naikkanal Junction, Manikandal, East Nada (opposite to Paramekkavu Temple), West Nada - right side and left side, opposite to District Hospital, opposite to CMS School, opposite to Thekkemadam and near Nehru Park, as shown in Annexure A10 photographs



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produced along with I.A.No.1 of 2025, which are extracted hereinbefore at paragraph 3 at page Nos.4 and 5, for the purpose of generating funds for Sivarathri festival, which is scheduled to be held on 26.02.2025, which is conducted directly by the Cochin Devaswom Board. The advertisement boards at the above 10 locations shall be exhibited strictly in compliance with the law laid down by this Court in **Satheesh [2022 (1) KLT 940]** and also the directions contained in Annexure A6 judgment of this Court dated 11.04.2023 in W.P.(C)Nos.26499 of 2018 and 4617 of 2022, after obtaining the required permission from Thrissur Municipal Corporation. The advertisements shall be approved by the Commissioner, Cochin Devaswom Board, who shall ensure that the advertisements do not contain any objectionable materials. The arches already erected as well as the advertisement boards displayed on the arches shall be removed on 27.02.2025 itself.

**Sd/-****ANIL K.NARENDRAN, JUDGE****Sd/-****MURALEE KRISHNA S., JUDGE**



APPENDIX OF DBA 3/2025

PETITIONER ANNEXURES

- ANNEXURE A 1 TRUE COPY OF ORDER DATED 16.3.1990 IN PETITION DATED 14.3.1989 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 2 TRUE COPY OF JUDGMENT DATED 28.3.2003 IN O.P. NO. 8521, CMP NO. 1808/03 IN DBA NO. 143/02, CMP NO. 1975/03 IN DBA NO. 143/02 AND CMP NO. 1977/03 IN DBA NO. 143/02 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 3 TRUE COPY OF ORDER DATED 08.07.2013 IN DBP NO. 48/2010 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 4 TRUE COPY OF ORDER DATED 30.9.2013 IN DBP NO. 78/2013 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 5 TRUE COPY OF ORDER DATED 29.7.2022 IN DBP NO. 31/2022 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 6 TRUE COPY OF COMMON JUDGMENT DATED 11.4.2023 IN WP(C) NO. 26499/2018 AND WP(C) NO. 4617/2022 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 7 TRUE COPY OF ORDER DATED 09.10.2024 IN DBP NO. 76/2024 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 8 TRUE COPY OF REQUEST DATED 16.12.2024 SUBMITTED BY DEVASWOM MANAGER, WADAKKUMNATHA DEVASWOM TO THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD.
- ANNEXURE A 9 TRUE COPY OF ORDER NO. R. 15841/2024 DATED 1.2.2025 ISSUED BY THE APPLICANT
- ANNEXURE A 10 TRUE COPIES OF PHOTOGRAPHS (10 NOS.) OF THE DIFFERENT PLACES MENTIONED IN

D.B.A.No.3 of 2025



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**ANNEXURE A8 APPLICATION SHOWING THE AREA  
WHERE THE APPLICANT INTEND TO PLACE  
ADVERTISEMENTS**