

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

TUESDAY, THE 11TH DAY OF APRIL 2023 / 21ST CHAITHRA, 1945

W.P. (C)NO.26499 OF 2018

PETITIONER:

K.B.SUMODH, AGED 49 YEARS
S/O.LATE K.V.BALAN, AGED 49, SECRETARY, SREE
THRISSIVAPERU VADAKKUMNATHAN DEVASTHANAM
TRUST,REG.NO.207, "GEETHANJALI", GOPURAM HOUSE
LANE,KOTTAPURAM, THRISSUR - 680 004.
BY ADV SRI.K.R.SUNIL

RESPONDENTS:

- 1 THE COMMISSIONER, COCHIN DEVASWOM BOARD
COCHCIN DEVASWOM BOARD, SHIVA SHAKTHI
BUILDING,THRISSUR, PIN 680001.
- 2 THE MANAGER
SHRI THRISSAUVAPERUR VADAKKUMNADHA DEVASWOM
BOARD,SHIVA SHAKTHI BUILDING, THRISSUR, PIN
680001.
- 3 THE SUPERINTENDENT OF POLICE
THRISSUR, PIN 680001.
- 4 THE ASSISTANT COMMISSIONER OF POLICE
THRISSUR, PIN 680001.
- 5 THE CIRCLE INSPECTOR OF POLICE
EAST POLICE STATION, THRISSUR, PIN 680005.
- 6 ADDL. R6. SECRETARY
MUNCIPAL CORPORATION OFFICE, THRISSUR, PIN -
680001
- 7 ADDL. R7. THE PRESIDENT
CHAMBER OF COMMERCE, CHAMBER OF COMMERCE
BUILDING, PALACE ROAD, THRISSUR - 680020 (ARE
IMPLEADED VIDE ORDER DATED 10-03-2023)
BY ADVS.
SRI.K.P.SUDHEER, SC, COCHIN DEVASWOM BOARD
SANTHOSH P.PODUVAL
K.ANAND K
AMEER SALIM(K/1024/2020)

W.P.(c)No.26499 of 2018 &
W.P.(c)No.4617 of 2022

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11.04.2023, ALONG WITH WP(C).4617/2022, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

W.P.(c)No.26499 of 2018 &
W.P.(c)No.4617 of 2022

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

TUESDAY, THE 11TH DAY OF APRIL 2023 / 21ST CHAITHRA, 1945

W.P. (C)NO.4617 OF 2022

PETITIONER:

K.B.SUMODH, AGED 52 YEARS
S/O. LATE K.V. BALAN, BALA NIVAS, CIVIL LANE,
AYYANTHOLE, THRISSUR DISTRICT 680 003.
BY ADV I.SHEELA DEVI

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY , GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM DISTRICT 695 001.
- 2 THE SECRETARY,
DEVASWOM DEPARTMENT, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM DISTRICT 695 001.
- 3 COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, SIVASAKTHI
BUILDING, ROUND NORTH, THRISSUR DISTRICT 680 001.
- 4 THE SPECIAL DEVASWOM COMMISSIONER,
COCHIN DEVASWOM BOARD, SIVASAKTHI BUILDING, ROUND
NORTH , THRISSUR DISTRICT 680 001.
- 5 THE DISTRICT COLLECTOR,
THRISSUR FIRST FLOOR , CIVIL STATION, CIVIL
LINES, ROAD, KALYAN, AYYANTHOLE, THRISSUR
DISTRICT 680 003.
- 6 THE COMMISSIONER OF POLICE,
THRISSUR CITY, PATTALAM ROAD, SAKTHAN THAMPURAM
NAGAR, VELIYANNUR, THRISSUR DISTRICT 680 001.
- 7 THE ASSISTANT COMMISSIONER OF POLICE,
MUNICIPAL OFFICE ROAD, VELIYANNUR, THRISSUR
DISTRICT 680 001.
- 8 THE ARCHEOLOGICAL SURVEY OF INDIA,
THRISSUR CIRCLE, THRISSUR, 680 012, REPRESENTED
BY ITS SUPERINTENDING ARCHEOLOGIST.

W.P.(c)No.26499 of 2018 &
W.P.(c)No.4617 of 2022

9 ADDL.VADAKKUMNATHA TEMPLE ADVISORY COMMITTEE
VADAKKUMNATHA TEMPLE ADVISORY COMMITTEE,
REPRESENTED BY ITS SECRETARY, SWARAJ ROUND N. ,
KURUPPAM, THEKKINKADU MAIDAN, THRISSUR DISTRICT,
PIN-680001. *IMPLEADED- AS ADDITIONAL R9 VIDE
ORDER DATED 15-02-2022 IN I.A. 1/2022 IN WP(C)
4617/2022.
BY ADVS.
ROBSON PAUL
K.P.SUDHEER ADVOCATE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
11.04.2023, ALONG WITH WP(C).26499/2018, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Anil K. Narendran, J.

The common issue raised in these writ petitions relates to the protection of Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) in Thrissur, which is Devaswom land owned by Sree Vadakkumnathan Temple, which is under the management of the Cochin Devaswom Board. Since a common issue is raised, these writ petitions are heard together and are being disposed of by this common judgment.

2. W.P.(C)No.26499 of 2018:- The petitioner, who is the Secretary of Sree Thrissivaperur Vadakkumnathan Devasthanam Trust, has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus commanding the Cochin Devaswom Board and the 2nd respondent Devaswom Manager of Vadakkumnathan Devaswom to implement the suggestions made in Ext.P2 lawyer notice dated 05.07.2018 addressed to the Secretary of the Cochin Devaswom Board and Ext.P2 lawyer notice dated 05.07.2018 addressed to the 2nd respondent Devaswom Manager of Vadakkumnathan Devaswom and to protect Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) in its all aristocracy, by restricting vehicular traffic into Kshethra Maidan after 9.00 p.m, by deploying an adequate number of security personnel to prevent anti-social activities and dumping of waste in the Kshethra Maidan and also unauthorised parking of vehicles after 9.00 p.m. According to the petitioner, the Board has to install a sufficient number

of surveillance cameras and provide barriers at eight exit/entry points in the Kshethra Maidan. The incident pointed out by the petitioner happened on 01.07.2018, at about 7.30 p.m. A motor car carrying two persons under the influence of alcohol entered Thekkinkadu Maidan in a rash and negligent manner, which reached near Sree Moolasthanam, crossing the sacramental steps, and proceeded further to Naikkanal and Naduvilal. At the intervention of the devotees and the general public, the police apprehended those two persons and registered a crime.

2.1. On 06.08.2018, when this writ petition came up for admission, it was ordered to be posted along with W.P.(C)No.12212 of 2018, which was one filed by a devotee of Sree Vadakkumnathan Temple, along with a member of the Temple Advisory Committee of the said temple, seeking an appropriate writ to proceed against the Cochin Devaswom Board, the members of the Board and its officials for acting against the objects of Vadakkunnathan Devaswom and the established usage and custom of the said Devaswom, while managing the affairs of the Devaswom and its assets; a writ of mandamus commanding the Cochin Devaswom Board, the members of the Board and its officials to remove the hoardings from Thekkinkadu Maidan, except from the area earmarked for Thrissur Pooram exhibition; and a writ of mandamus commanding the 3rd respondent Devaswom Manager to produce before this Court the permissions granted to various associations, political

parties, etc. for conducting meetings in Thekkinkadu Maidan, without obtaining sanction in terms of the orders of this Court, and also the details of fee collected for granting permission to conduct such meetings.

2.2. On 08.10.2018, the Special Commissioner, Cochin Devaswom Board filed a counter affidavit dated 06.10.2018 on behalf of the 1st respondent, opposing the reliefs sought for in this writ petition. In the counter affidavit, it is stated that the petitioner has to prove that he is the Secretary of Sree Thrissivaperur Vadakkumnathan Devasthanam Trust. There are 13 security personnel in Vadakkunnathan Devaswom, both inside and outside the temple premises. Every day, after the closure of the temple, the four gates will remain closed till the opening of the temple the next day, and there are CCTV cameras in the temple premises. The Devaswom Board has approached this Court in Petition No.17 of 2018 seeking permission for the beautification of Thekkinkadu Maidan. The report filed by the learned Ombudsman in that petition is pending consideration before this Court in DBP No.28 of 2018. Further, the Devaswom Board is also taking earnest efforts to prevent the dumping of waste in Thekkinkadu Maidan. W.P.(C)No.12212 of 2018 filed by a devotee of Sree Vadakkumnatha Temple, along with a member of the Temple Advisory Committee of the said temple is also pending before this Court. In connection with the incident pointed out by the petitioner, which

happened on 01.07.2018, the police have already registered a crime and the investigation is going on.

2.3. On 25.03.2019, when this writ petition came up for consideration along with W.P.(C)No.12212 of 2018, this Court passed the following order;

“It is brought to the notice of this Court that the issues projected by the petitioners in W.P.(C)No.12212 of 2018 and W.P.(C)No.26499 of 2018 are closely interlinked with the subject matter forming part of D.B.P.No.83 of 2018.

2. In D.B.P.No.83 of 2018, the learned Ombudsman has mentioned in paragraph 7 and in the concluding paragraph as to the necessity to submit a 'model plan' with regard to the construction and beautification sought to be made by the Devaswom in the Vadakkumnatha Kshethra Maidan at Thekkinkadu Maidan. The learned Standing Counsel for the Devaswom Board submits that in the course of pendency of proceedings before this Court the Architect was caused to be impleaded in the party array. The Architect has submitted a 'model plan' before this Court. It is stated that by virtue of turn of events the version of the Architect, along with the model plan could be forwarded to the learned Ombudsman for considering the matter exhaustively and to form an opinion; of course, after affording an opportunity of hearing to all the stakeholders including the Architect. We find it appropriate to adopt such a course.

3. Accordingly, the version of the Architect and the 'model plan' shall be forwarded to the learned Ombudsman for

consideration. An opportunity of hearing shall be given to all the stakeholders including the Architect by the learned Ombudsman and a further report shall be submitted before this Court with regard to the course of action sought to be pursued in connection with the beautification and the construction sought to be effected in the Vadakkumnatha Kshethra Maidan at Thekkinkadu Maidan. List the matter for further consideration on 21.05.2019.”

2.4. On 27.09.2022, when W.P.(C)No.12212 of 2018 came up for consideration, the learned Standing Counsel for Cochin Devaswom Board pointed out the pendency of a fresh petition filed by the Board (after the dismissal of DBP No.83 of 2018 as withdrawn) before the learned Ombudsman, seeking permission for the beautification of the Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan). The learned counsel for the petitioner submitted that the reliefs sought for in W.P.(C)No.12212 of 2018 have become infructuous and therefore, the said writ petition may be dismissed as infructuous. Based on the above submissions, by the judgment dated 27.09.2022, W.P.(C)No.12212 of 2018 was dismissed as infructuous.

3. W.P.(C)No.4617 of 2022:- The petitioner, who is a devotee of Sree Vadakkumnatha Temple has filed this writ petition, seeking a writ of mandamus commanding the 3rd respondent Cochin Devaswom Board and the 4th respondent Special Devaswom Commissioner to remove the hoardings erected in Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan), as evidenced by Ext.P4 series of photographs,

forthwith. The petitioner has also sought for a writ of mandamus commanding the 6th respondent Commissioner of Police, Thrissur City and the 7th respondent Assistant Commissioner of Police, not to permit parking of vehicles in Vadakkumnatha Kshetra Maidan (Thekkinkadu Maidan) and to remove the vehicles parked in that Maidan during day time as well as night time; a writ of mandamus commanding respondents 6 and 7 to stop all illegal activities which are going on in Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) and its surrounding areas during the night time; and a writ of mandamus commanding the 4th respondent Special Devaswom Commissioner to implement, in letter and spirit, the stand taken in Ext.P3 communication dated 30.10.2021 that, the activities in Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) shall only be in accordance with the permission granted in the orders of this Court.

3.1. One of the grievances raised in this writ petition is regarding the erection of hoardings in Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) by respondents 3 and 4. From the materials placed on record, especially Ext.P4 series of photographs, this Court noticed that such hoardings are at the instance of the Temple Advisory Committee of Vadakkumnatha Temple. In such circumstances, the said committee was impleaded as additional 9th respondent by the order dated 15.02.2022 in I.A.No.1 of 2022.

3.2. On 15.02.2022, the writ petition was admitted on file. The

learned Senior Government Pleader took notice for respondents 1, 2, 5 to 7 and the learned Standing Counsel for Cochin Devaswom Board took notice for respondents 1 and 4. The learned Assistant Solicitor General of India took notice for the 8th respondent. Urgent notice by speed post was ordered to the 9th respondent Temple Advisory Committee, returnable by 25.02.2022. The submission made by the learned Standing Counsel for Cochin Devaswom Board that the law laid down in the decision of this Court in **Satheesh v. Travancore Devaswom Board and others [2022 (1) KLT 940]** has already been brought to the notice of the Devaswom Board, was recorded.

3.3. The 9th respondent Temple Advisory Committee has filed a counter affidavit dated 09.03.2022, opposing the reliefs sought for in this writ petition, wherein it is stated that the hoardings seen in Ext.P4 series of photographs, which were erected during Maha Sivarathri Festival conducted on 01.03.2022, with the permission of the 3rd respondent Devaswom Board has already been removed.

3.4. On 30.03.2022, when this writ petition came up for consideration, the learned Standing Counsel for Cochin Devaswom Board and also the learned counsel for the additional 9th respondent Temple Advisory Committee submitted that the hoardings seen in Ext.P4 series of photographs have already been removed. The learned Standing Counsel submitted that the question of issuing a general circular applicable to all temples under the Cochin Devaswom Board,

in view of the law laid down by this Court in **Satheesh [2022 (1) KLT 940]** is pending consideration before the Board.

3.5. The 3rd respondent Cochin Devaswom Board has filed a counter affidavit dated 18.06.2022, opposing the reliefs sought for in this writ petition, producing therewith Ext.R3(A) order dated 11.06.2018 of this Court in DBP No.29 of 2015, whereby the Devaswom Board was granted permission to commence play and park facility in certain specified properties belonging to the Board, that lie contiguous to various temples under its management. In the counter affidavit, it is stated that the Temple Advisory Committee is mobilising funds for temple festivals through sponsorship. Therefore, the name of the sponsors is shown in the hoardings or banners. The hoardings seen in Ext.P4 photographs have already been removed. The Cochin Devaswom Board is issuing a general direction to all temples under its management to scrupulously comply with the directions contained in the decision of this Court in **Satheesh [2022 (1) KLT 940]**. The Cochin Devaswom Board is filing a fresh petition before this Court for the conservation of Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan).

4. By the order dated 29.07.2022 in DBP No.31 of 2022, this Court granted permission to Cochin Devaswom Board to conduct an exhibition/trade fair in the Exhibition Ground of Thekkinkadu Maidan, during the Onam season. That order was issued with certain conditions,

in order to ensure that the activities are appropriately regulated in the exhibition/trade fair being conducted at that exhibition ground. The said order was followed by the order dated 24.11.2022 in DBA No.7 of 2022, for the purpose of conducting an exhibition/trade fair during the Christmas season/new year.

5. On 14.12.2022, when these writ petitions came up for consideration, the learned counsel for the petitioner in W.P.(C)No.26499 of 2018 pointed out Ext.P9 communication dated 05.11.2022 of the Devaswom Commissioner, which was one issued to the Secretary of Common Forum of Paramekkavu/Thiruvambady Devaswom. The learned Standing Counsel for Cochin Devaswom Board pointed out that, for the exhibition/trade fair referred to in Ext.P9 communication, permission was sought for in DBA No.7 of 2022. Further, Petition No.15 of 2022 filed by the Board on the conservation of Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) is listed before the learned Ombudsman, on 14.12.2022.

6. On 10.03.2023, when these writ petitions came up for consideration, having considered the averments in the affidavits filed in support of I.A.No.1 of 2023 in W.P.(C)No.26499 of 2018 and also the documents placed on record as Exts.P10(a) to P10(d) regarding the new year event conducted by Thrissur Municipal Corporation and Thrissur Chamber of Commerce on 31.12.2022, the Thrissur Municipal Corporation, represented by its Secretary and the President of Thrissur

Chamber of Commerce were *suo motu* implead as additional respondents 6 and 7 in that writ petition. The learned Standing Counsel for Thrissur Municipal Corporation took notice for additional 6th respondent and notice by speed post was ordered to additional 7th respondent, returnable within two weeks. The learned Standing Counsel for Cochin Devaswom Board sought time to file an affidavit of the 2nd respondent Devaswom Manager, Sree Vadakkumnatha Devaswom, explaining the facts and circumstances in connection with the incident referred to in Ext.P10 series.

7. The 2nd respondent Devaswom Manager has sworn to an affidavit dated 06.04.2023, producing therewith Annexures R2(a) to R2(d) documents, wherein it is stated that the additional 7th respondent Thrissur Chamber of Commerce submitted Annexure R2(a) request dated 15.11.2022 before the President of the Cochin Devaswom Board, seeking permission to conduct shopping festival in Vadakkumnatha Kshethra Maidan. Based on that request a report was called for from the 2nd respondent Devaswom Manager, who submitted Annexure R2(b) report dated 17.11.2022. After considering the said report, the Cochin Devaswom Board vide Annexure R2(c) order dated 03.12.2022 granted permission to the additional 7th respondent Thrissur Chamber of Commerce to conduct a shopping festival in Vadakkumnatha Kshethra Maidan for the period from 20.12.2022 to 10.01.2023, subject to the conditions stipulated therein. The stand

taken in the affidavit filed by the 2nd respondent is that the permission granted in Annexure R2(c) order is to conduct the programme at 'vidhyarthi corner'. Even though the organizing committee of Thrissur shopping festival submitted a request to conduct a light and sound show and electric fire works in connection with the closing ceremony of the shopping festival, the said request was rejected vide Annexure R2(d) communication dated 13.01.2023, citing the judgment dated 28.03.2003 of this Court in O.P.No.8521 of 2003 and DBA No.143 of 2002.

8. The additional 7th respondent Thrissur Chamber of Commerce has filed a counter affidavit dated 08.04.2023, producing therewith Exts.R7(a) to R7(c) documents, wherein it is stated that the said respondent along with Thrissur Municipal Corporation conducted Thrissur shopping festival in Vadakkumnatha Kshethra Maidan, after obtaining permission from the Cochin Devaswom Board. The stand taken in the said affidavit is that, seeking permission of the Board to use 'vidhyarthi corner' for conducting the shopping festival from 6:00 p.m. to 10:00 p.m., the additional 7th respondent submitted Ext.R7(a) request dated 15.11.2022. Such a request was made in view of Ext.R7(b) judgment dated 28.03.2003 of this Court in O.P.No.8521 of 2003 and DBA No.143 of 2002. The Board gave permission vide Ext.R7(c) order dated 03.12.2022, with detailed instructions regarding the usage of Vadakkumnatha Kshethra Maidan. The stand taken in the

affidavit is that the directions issued by this Court in Ext.R7(b) judgment dated 28.03.2003 have in no way been flouted by the said respondent while conducting Thrissur shopping festival and musical concerts at 'vidhyarthi corner'. The musical concerts by the Rock Band, named, 'Thaikudam Bridge' along with 'Attam' and 'Chemmeen' was one among the cultural programmes that were conducted as part of Thrissur shopping festival. Strictly abiding by the instructions issued in Ext.R7(c) order, musical concerts were performed only after the closure of the temple nada. Hence, there was no disturbance or obstruction to the worship of Lord Vadakkumnathan, by any devotee. The music concerts started at 08:30 p.m., after the completion of the customary rites and the closure of the entrance of the temple. It was performed in the presence of personalities, like the Minister of State, Collector, Mayor and Police officials. No unpleasant incidents happened during the musical concerts. The programme was conducted just like other political gatherings and Government programmes that are usually conducted at Vadakkumnatha Kshethra Maidan. The night shopping festival and related cultural programmes were conducted strictly following the greenbelt protocol at Vadakkumnatha Kshethra Maidan.

9. Heard the learned counsel for the petitioner in the respective writ petitions, the learned Senior Government Pleader for the State and official respondents, the learned Standing Counsel for Cochin Devaswom Board, the learned Standing Counsel for Thrissur

Municipal Corporation and also the learned counsel for Thrissur Chamber of Commerce.

10. The Travancore-Cochin Hindu Religious Institutions Act, 1950, was made for making 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 Cochin Devaswom Board. 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.

11. Section 62A of the Act, inserted by Act 14 of 1990, deals with Devaswom properties. As per Section 62A, all immovable properties vested in the Cochin Devaswom Board under sub-section (1) of Section 62 shall be dealt with as Devaswom Properties. The provisions of the Kerala Land Conservancy Act, 1957 shall be applicable to Devaswom lands as in the case of Government lands. As per Section 62B, all unassigned lands belonging to the Devaswom under the sole management of the Board shall be deemed to be the property of the Government for the purpose of the Kerala Land Conservancy Act, 1957 and all the provisions of that Act shall, so far as they are applicable, apply to such lands.

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 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 74 of the Act deals with superintendence and control by the Board. As per Section 64, 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. Section 86 of the Act provides that alienation of property without sanction of Board void. As per sub-section (1) of Section 86, any exchange, sale, mortgage, pledge, lease or other alienation of the property of an institution executed or made or any debt contracted on its behalf, shall be void unless it is executed or made or contracted with the previous sanction of the Board or with the previous sanction of the Civil Court when in any suit, appeal or other proceedings in relation to the institution a Receiver has been appointed by the civil court for the management of the properties of the institution. As per the proviso to sub-section (1) of Section 86, the court shall before granting or refusing such sanction give notice to the Board and hear the objections, if any, of the Board. As per sub-section (2) of Section 86, the Board may prefer an appeal to the High Court from the order passed by such court within thirty days of the order and such appeal shall be heard and disposed of by a Bench of not less than two Judges. As per sub-section (3) of Section 86, any person aggrieved by an order under sub-section (1) may appeal to the High Court within thirty days from the date of publication of the order in the Gazette and such appeal shall be heard and disposed of by a Bench of not less than two Judges. As per sub-section (4) of Section 86, every order of the Board under sub-section (1) shall be published in the Gazette.

16. 'Deva' means God and 'swom' means ownership in Sanskrit and the term 'Devaswom' denotes the property of God in common

parlance. See: **Prayar Gopalakrishnan v. State of Kerala [2018 (1) KHC 536]**.

17. In **M.V. Ramasubbiar v. Manicka Narasimachara [(1979) 2 SCC 65]**, in the context of Sections 49, 51 and 52 of the Trusts Act, 1882, the Apex Court explained the nature of the fiduciary position of the trustee and his duties and obligations. It is the duty of the trustees of the property to be faithful to the Trust and execute any document with reasonable diligence in the manner of an ordinary prudent man of business would conduct his own affairs. A trustee could not, therefore, occasion any loss to the Trust and it is his duty to sell the property, if at all that was necessary, to the best advantage.

18. 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 are required to be protected and safeguarded by their trustees/archakas/shebaites/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 'fences 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.

19. In **Travancore Devaswom Board v. Mohanan Nair [(2013) 3 KLT 132]** a Division Bench of this Court noticed that in **A.A. Gopalakrishnan [(2007) 7 SCC 482]** the Apex Court emphasised that it is the duty of the courts to protect and safeguard the interest and properties of the religious and charitable institutions. The relevant principles under the Hindu law will show that the Deity is always treated similar to that of a minor and there are some points of similarity between a minor and a Hindu idol. The High Court therefore is the guardian of the Deity and apart from the jurisdiction under Section 103 of the Land Reforms Act, 1957, viz., the powers of revision, the High Court is having inherent jurisdiction and the doctrine of parens patriae will also apply in exercising the jurisdiction. Therefore, when a complaint has been raised by the Temple Advisory Committee, which was formed by the devotees of the Temple, about the loss of properties of the Temple itself, the truth of the same can be gone into by the High Court in these proceedings.

20. The learned Standing Counsel for Cochin Devaswom Board would point out that the Trust, in which the petitioner in W.P.(C)No.26944 of 2018 is stated to be the Secretary, is misusing the

name of the Deity and also the Devaswom. The name of the said Trust is Sree Thrissivaperur Vadakkumnathan Devasthanam Trust.

21. The learned counsel for the petitioner in W.P.(C)No.26944 of 2018 would submit that the Trust was created for the welfare of the devotees of Lord Vadakkumnathan and to render necessary support to the activities of Vadakkumnathan Devaswom.

22. Sree Vadakkumnathan Temple is a temple under the management of Cochin Devaswom Board. In order to render necessary assistance to the Board in discharge of its statutory duties under Section 73A of the Travancore-Cochin Hindu Religious Institutions Act, Temple Advisory Committees are formed in the temples under its management, invoking the provisions under Section 76A of the said Act. As per sub-section (1) of Section 76A, a committee for each temple in the name "Temple Advisory Committee (name of the Temple)" may be constituted in order to ensure participation of Hindu devotees. A Trust like "Sree Thrissivaperur Vadakkumnathan Devasthanam Trust" cannot have any activity in connection with the affairs in Sree Vadakkumnathan Temple, which cannot even use the name of the Deity, i.e., "Vadakkumnathan" or the name of the Devaswom, i.e., "Vadakkumnathan Devaswom". It is for the Cochin Devaswom Board to initiate appropriate proceedings against the said Trust, in case the name of the Deity and the Devaswom are being misused by that Trust.

23. In **T. Krishnakumar v. Cochin Devaswom Board and others [2022 (4) KLT 798 : 2022 (5) KHC SN 8]** a Division Bench of this Court, in which both of us were parties, held that, in view of the provisions under Section 68, which provides for administration by the Board as a trustee, 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. In view of the provisions under Section 73A, it shall be the duty of the Board to see that the regular traditional rites according to the practice prevalent in the religious institution are performed promptly and to establish and maintain proper facilities in major temples for the devotees.

24. Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) is a Devaswom land, which is managed by the Cochin Devaswom Board as a trustee in management of Devaswom property, in terms of the provisions of the Travancore Cochin Hindu Religious Institutions Act. There is no dispute on this fact. That being so, there cannot be any activity in Thekkinkadu Maidan, except in accordance with the objects of the trust.

25. In the judgment dated 28.03.2003 in O.P.No.8521 of 2003 and CMPs in DBA No.143 of 2002 a Division Bench of this Court permitted the use of the exhibition ground in Thekkinkadu Maidan for

conducting Onam Fair by Civil Supplies Corporation, etc. Based on CDB Report No.125 of 2010 of the learned Ombudsman, DBP No.48 of 2010 was initiated, which was disposed of by the order dated 08.07.2013, making the interim order dated 08.06.2011 in that DBP absolute. The said interim order, which is extracted in paragraph 2 of the order dated 08.07.2013, is extracted hereunder;

"2. After elaborately considering the various aspects, this Court passed a detailed interim order dated 08.06.2011, which is extracted below;

"We have perused the materials on record including the affidavits as also statements of the District Collector, Thrissur, Paramakkavu Devaswom, Thiruvambady Devaswom and the Cochin Devaswom Board.

2. As noted by the learned Ombudsman in his report dated 06.08.2010, the land known by the name "Thekkinkadu Maidan" belongs to the Cochin Devaswom Board as a trustee in terms of the provisions of the Travancore Cochin Hindu Religious Institutions Act. There is no dispute on this fact. That being so, there cannot be any construction activity or modifications in the name of beautification, etc. by the Corporation authorities, the Government or any other agency, public or private except under the requirement of the Cochin Devaswom Board.

3. The statement of the District Collector candidly points out that in spite of different efforts, including suffering expenditure, nothing worthwhile has come

out regarding the different attempts to carry out "beautification" of Thekkinkadu Maidan. He points out that the Development Plan for Thrissur City is in the cradle stage and the proposal for Thekkinkadu Maidan is yet to be worked out. Specific reference is made to G.O.(Ms.)No.240/75/LAD & SWD dated 24.09.1975, issued more than three and a half decades ago, to point out that in terms of the said sanctioned detailed Town Planning Scheme, Thekkinkadu Maidan is kept as green space except temple structure. The scheme of 1975 thus requires Thekkinkadu Maidan to be a green space. Unfortunately, the materials on record disclose that it is more brown than green and if one were to visualise the entire topography, it may look like a brown bald scape with a small patch of green which is nothing but the oasis point where a few teak trees remain, remembering for themselves the glorious past of "Thekkinkadu Teak Forest".

4. In the larger interest of the society, the DTPS is issued earmarking the space Thekkinkadu Maidan as a green space. The District Collector says that is a major breathing space. It is also the main attraction of Thrissur town. Obviously, these are reasons which point towards the immediate requirement to ensure that appropriate planning is taken immediately and on finalization of such plan, urgent afforestation activity will have to be carried out to ensure that Thekkinkadu Maidan will stand meaningfully expressing its name.

5. We are told that large congregation of people assemble during the Thrissur Pooram which is now a

money spinner as part of tourism. We are also told that exhibition is held in connection with Thrissur Pooram. Some are utilized for providing space to accommodate an outlet for essential commodities. There is some space in the possession of the Water Authority.

6. With all these, we are inclined to think that out of the total extent of Thekkinkadu Maidan which is around 61.34 acres, the land actually required for conducting the Pooram festival and also for such further purposes for which High Court has granted permission in terms of the different earlier orders in different proceedings have to be identified and the remaining portion is to be put to afforestation activity by planting teak or such other trees as may be advised by the competent forest officials.

7. In the light of the above and taking into consideration the report of the learned Ombudsman, it is directed that henceforth there shall be no construction, beautification or other activities in the Thekkinkadu Maidan by the Government or the Corporation of Thrissur or any other authority without obtaining specific orders from this Court. The Cochin Devaswom Board will protect the said Maidan appropriately since it is the property of the Cochin Devaswom Board. We also direct that the District Collector will ensure that the directions in this order regarding preservation of the Thekkinkadu Maidan is appropriately supported by the District Administration. Insofar as the 'Jaladhara' which has become defunct

and has turned out to be the hub of antisocial elements is concerned the Secretary, Cochin Devaswom Board is directed to ensure that the same is demolished and removed within a period of one month from now without fail. A report in that regard shall be placed on record within a period of forty five days from today.

8. In consonance of the above, we further direct the Secretary of the Board to file an affidavit within a period of forty five days from today identifying the location in the Thekkinkadu Maidan where afforestation activity can be taken up. The view of the forest officials having jurisdiction over the area will also be specifically obtained as regards the type of saplings and other aspects.

9. Having regard to the fact that the Thekkinkadu Maidan is vested with the Cochin Devaswom Board, we are of the view that the Government or the Corporation cannot independently decide on its beautification and therefore we direct that all proposals in that regard which have been taken up without the clearance of the Cochin Devaswom Board will stand stayed until further orders. It is further directed that there shall be no construction activity by the Cochin Devaswom Board in the Thekkinkadu Maidan without obtaining specific orders from this Court. This inhibition will not cover such temporary structures which are necessary such as festival, Pooram and rituals in connection therewith as is held hitherto, exhibition etc.

10. We are also told that there are no hoardings and advertisement board inside Thekkinkadu Maidan, we also further direct that the Secretary, Cochin Devaswom Board will ensure that the entire Thekkinkadu Maidan is kept plastic-free. The Secretary of the Thrissur Corporation is also directed to ensure that the environment safety level is maintained in connection with plastic and non-biodegradable and also biodegradable substances insofar as Thekkinkadu Maidan is concerned particularly because it is an area which attracts the public.” (underline supplied)

26. In the order dated 08.06.2011, this Court directed that no other programs except those permitted will be undertaken without specific orders of this Court. The said order was made absolute in the order dated 08.07.2013 in DBP No.48 of 2010, wherein it was ordered that all the directions will remain as such for future application. In the said order, this Court noticed that Thekkinkadu Maidan is also used in connection with Thrissur Pooram Festival and therefore, restricted activity alone can be permitted. This Court directed that any of the official agencies or other agencies involved in implementing any program in connection with Thekkinkadu Maidan will have to seek separate sanction from this Court, which will not apply to the erection of temporary structures connected with Pooram Festival, exhibition, etc., and other activities connected with the temple. Pursuant to the orders of this Court, 140 teak plants were planted. The learned

Standing Counsel for Cochin Devaswom Board reported that, out of 140 teak plants, 113 are now existing and the remaining have perished, and steps will be taken for planting fresh saplings with the cooperation of the Social Forestry Department. The learned Special Government Pleader (Forest) assured that all assistance will be rendered by the Conservator of Forest-in-charge of Social Forestry for maintaining the plants. Therefore, by the order dated 08.07.2013 in DBP No.48 of 2010, it was ordered that the said arrangement will continue and appropriate steps will be taken from time to time. The perished plants will be replaced as and when it is necessary. The Division Bench directed the Devaswom Officer to bring to the notice of this Court any matters noticed by him, by way of any developmental activities by any agencies. It was ordered that all steps will be taken to protect Thekkinkadu Maidan.

27. In the year 2013, the Cochin Devaswom Board filed Petition No.23 of 2013 before the learned Ombudsman seeking permission to use Thekkinkadu Maidan for commercial purposes like conducting exhibitions, etc. On that petition, the learned Ombudsman submitted CDB Report No.81 of 2013, wherein it was stated that some criticisms are possible with the use of Thekkinkadu Maidan for 'pay and park', though there was no such objection for the Pooram Exhibition Committee in collecting parking fee at the time of the exhibition. The Division Bench noticed that, apart from seeking as aforesaid,

permission was also sought for allowing political parties to conduct meetings, etc., in Thekkinkadu Maidan. The Division Bench noticed that the view taken in paragraph 3 of the order dated 08.07.2013 in DBP No.48 of 2010 is that only restricted activities can be permitted in Thekkinkadu Maidan apart from using it in connection with Thrissur Pooram Festival. In the order dated 30.09.2013 in DBP No.78 of 2013, the Division Bench took a view that, if any other unrestricted activities are permitted, it will have an adverse impact on the property which is one of the important locations as far as the entire town is concerned. Therefore, the order passed in DBP No.48 of 2010 will take care of all matters which may arise in future. In the said order dated 30.09.2013, the Division Bench clarified that, whenever fresh applications or proposals are received from interested parties, the Cochin Devaswom Board will place the matter before this Court for consideration and only after sanction by this Court any such activities can be permitted.

28. DBP No.31 of 2022 was one registered based on CDB Report No.18 of 2022 in Petition No.3 of 2022 of the learned Ombudsman for Travancore and Cochin Devaswom Boards. The Board filed Petition No.3 of 2022 before the learned Ombudsman, seeking permission to conduct exhibitions and trade fairs in Thrissur Pooram Exhibition Ground in Thekkinkadu Maidan, during the period other than Thrissur Pooram exhibition.

29. In CDB Report No.18 of 2022, the learned Ombudsman

noticed that, though the Cochin Devaswom Board has sought permission for the beautification of Thekkinkadu Maidan by filing Petition No.17 of 2018, the report made by the Ombudsman on that petition is pending consideration before this Court in DBP No.83 of 2018. The permission sought for in Petition No.3 of 2022 is to conduct exhibitions and trade fare in Thrissur Pooram exhibition ground in Thekkinkadu Maidan, during the remaining period other than Thrissur Pooram exhibition. The learned Ombudsman noticed that the land, where Thrissur Pooram exhibition is being conducted, is not being used for any other purpose. Petition No.3 of 2022 does not specifically say that there is deforestation area. The restrictions imposed in the orders of this Court are against semi-permanent constructions adversely affecting the forestation and permission is granted only in the deforestation area, for the use of such trade fairs and exhibitions. The temporary structures connected with Pooram festivals, exhibitions, etc., and other activities connected with the temple are exempted in the order dated 08.07.2013 in DBP No.48 of 2010. The learned Ombudsman found that since the purpose for which permission is sought for in Petition No.3 of 2022 does not cover the programs already permitted, the Cochin Devaswom Board has to obtain permission from this Court by a specific order. In paragraph 12 of CDB Report No.18 of 2022, the learned Ombudsman has stated that, in case this Court decides to grant the permission as sought for by the Cochin Devaswom

Board, the following aspects may be considered to be imposed as conditions;

“(i) No objectionable substances shall be sold in the said trade fair which are considered to be against Hindu religious belief, as Thekkinkadu Maidan, the Devaswom property, belongs to the Cochin Devaswom Board.

(ii) There shall not be any semi/permanent construction in the ground other than those which are temporary in nature, allowed for similar to conduct Thrissur Pooram exhibition.

(iii) In case any licence is issued to any traders, application should be obtained indicating the purpose for which the shop will be used and only after considering the same any sanction shall be granted by the Board.

(iv) No tree shall be cut or removed from the area where exhibition/trade fair is proposed to be conducted.”

30. DBP No.31 of 2022, which was registered based on CDB Report No.18 of 2022 in Petition No.3 of 2022, was disposed of by the order dated 29.07.2022 - **Cochin Devaswom Board v. Deputy Director, Kerala State audit Department [2022/KER/40635 : 2022 SCC OnLine Ker 4050]**. Paragraphs 23 to 30 of that order read thus;

“23. In **Krishnakumar v. Cochin Devaswom Board and others [2022 SCC OnLine Ker. 3700]**, a Division Bench of this Court, in which both of us were parties, held that in view of the law laid down by this Court in **Abu K.S. v. Travancore Devaswom Board and others [2022 SCC OnLine Ker 1642]**, relying on the decision of the Apex

Court in **M.V. Ramasubbiar v. Manicka Narasimachara [(1979) 2 SCC 65]**, while leasing out the buildings owned by the Devaswoms, the Cochin Devaswom Board and its officials have to ensure that proper income is generated from the said buildings. In such transactions, the Board and its officials have to show reasonable diligence in the manner of an ordinary prudent man of business to conduct his own affairs. The action of the Board as a trustee cannot be equated to that of mere landlord. The best interest of the Devaswoms under the control of the Board would be subserved only if income is generated.

24. In **T. Krishnakumar [2022 SCC OnLine Ker. 3700]**, the Division Bench noticed that the major source of revenue of the 1st respondent Board is the income received by way of offering by the devotees, the amount received from Vazhipadu and the revenue generated through the auction of temple premises for various activities in connection with rituals and festivals in the temples and also the rental income generated from the buildings owned by the respective Devaswoms. Therefore, while dealing with the buildings owned by the Devaswoms, the 1st respondent Board and its officials have to ensure that proper income is generated from the said building. In such transactions, the Board and its officials have to show reasonable diligence in the manner of an ordinary prudent man of business to conduct his own affairs, by ensuring that the lease rental or licence fee of the buildings owned by the Devaswoms is not lower than the prevailing market rent. The action of the Board in demanding lease rental or licence fee for the buildings owned by the Devaswoms

taking into consideration the prevailing market rent cannot be termed as an action of the Board demanding exorbitant or rack-rent, since, while leasing out the buildings owned by the Devaswoms, the Board and its officials have to ensure that proper income is generated from the said buildings. Any default committed by the tenant or licensee of the buildings owned by the Devaswoms in payment of the monthly rent or licence fee, electricity charges, water charges, statutory dues, etc. has to be dealt with appropriately, so also the use of the building for another purpose or making material alteration or addition to the building. In view of the provisions under Section 73A of the Act, the 1st respondent Board is duty bound to monitor whether its administrative staff and employees in the Maramath wing are functioning properly, by taking prompt action against any such default or violation of the terms and conditions of the lease deed or the licence deed.

25. The fact that the Cochin Devaswom Board is facing acute financial crisis due to Covid-19 pandemic and other reasons is not in serious dispute. The specific stand taken by the Board before the learned Ombudsman was that, around Rs.9 to 12 Crores is required for meeting the monthly expenses for the rituals in the temples and wages of the employees. In view of the continued fall of income, the Board has to explore the means to diversify its finances to augment the income and tide over the crisis. Therefore, in the 34th meeting of the Board held on 30.09.2021, it was decided to seek permission of this Court to conduct exhibition and trade fairs in Thrissur Pooram exhibition

ground in Thekkinkad Maidan, during the period other than Thrissur Pooram exhibition.

26. In the interim order dated 08.06.2011 in D.B.P.No.48 of 2010, which was made absolute by Annexure A3 order dated 08.07.2013 the Division Bench found that out of the total extent of Thekkinkad Maidan, which is around 61.34 Acres, the land actually required for conducting the Pooram festival and also for such further purposes for which this Court has granted permission in terms of earlier orders in different proceedings have to be identified and the remaining portion is to be put to afforestation activity by planting teak or such other trees as may be advised by the competent Forest officials. As per Annexure A3 order in DBP.No.48 of 2010, from the date of that order there shall be no construction, beautification or other activities in the Thekkinkad Maidan by the Government or the Corporation of Thrissur or any other authority without obtaining specific orders from this Court. The Cochin Devaswom Board was directed to protect the Thekkinkad Maidan appropriately, since it is the property of the Board.

27. In Annexure A4 order dated 30.09.2013 in DBP.No.78 of 2013 the Division Bench reiterated that Annexure A3 order passed in DBP No.48 of 2010 will take care of all matters which may arise in future in relation to Thekkinkad Maidan. DBP No.78 of 2013 was registered based on CDB Report No.81 of 2013 of the learned Ombudsman in Petition No.23 of 2013 filed by the Cochin Devaswom Board, seeking permission to use Thekkinkad Maidan for commercial purposes like conducting exhibitions, etc., and also for conducting meetings, etc., by political parties. The

Division Bench in Annexure A4 order dated 30.09.2013 took a view that, if any other unrestricted activities are permitted it will have an adverse impact on the property, which is one of the important locations as far as the entire town is concerned. In the said order it was clarified that, whenever fresh applications or proposals are received from interested parties, the Cochin Devaswom Board will place the matter before this Court for consideration and only after sanction by this Court any such activities can be permitted.

28. The permission sought for in Petition No.3 of 2022 filed by the Cochin Devaswom Board, based on which the learned Ombudsman has filed CDB Report No.18 of 2022, was one filed by the Board seeking permission to conduct exhibitions and trade fairs in Thrissur Pooram exhibition ground in Thekkinkad Maidan during the period other than Thrissur Pooram exhibition. In the said exhibition ground, which forms part of Thekkinkad Maidan, Thrissur Pooram exhibition is being conducted by Thiruvambadi Devaswom and Paramekkavu Devaswom, as permitted by the Cochin Devaswom Board.

29. Considering the fact that Cochin Devaswom Board is facing acute financial crisis due to Covid-19 pandemic and other reasons, which is not in serious dispute, we deem it appropriate to grant permission to the Board to conduct Onam exhibition/trade fair in Thrissur Pooram exhibition ground in Thekkinkad Maidan, for the current year, i.e., 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.

29.1. There shall be no semi or permanent construction in the exhibition ground in connection with the Onam exhibition/trade fair. Only temporary structures shall be erected in the exhibition ground, as per the layout in Annexure A8 of the proposed exhibition stalls and pavilions produced along with the memo filed by the learned Standing Counsel for the Board dated 19.07.2022. The Board shall obtain necessary licence/permission/consent from the statutory authorities for the conduct of Onam exhibition/ trade fair in the exhibition ground. The traders shall obtain necessary licence/permission/consent from the statutory authorities, for the respective stalls/pavilions. The activities in connection with Onam exhibition/trade fair shall in no manner affect the afforestation activity in Thekkinkad Maidan.

29.2. The Board shall conduct auction of the right to conduct stalls/pavilions in the Onam exhibition/trade fair, strictly in accordance with law, and the layout of the stalls/pavilions shall be published in its official website, along with other particulars. The Board shall publish notice inviting tenders in leading dailies, in order to ensure wide publicity. In the said notice it shall be specified that the layout of the stalls/pavilions and other particulars are available in its official website. The Board shall also consider the feasibility of conducting e-tender, giving option to the traders to quote amount for individual stalls/pavilions.

29.3. The Board shall ensure that proper income is generated by conducting auction of the right to conduct stalls/pavilions in the Onam exhibition/trade fair. In such transactions, the Board and its officials have to show due diligence in the manner of an ordinary prudent man of business to conduct his own affairs, since the Board is essentially a trustee of Devaswom land which vests in the deity. Since Thekkinkad Maidan is a Devaswom property no sale/trade of any objectionable substances shall be permitted in Onam exhibition/trade fair in the exhibition ground.

29.4. The terms and conditions and other matters relating to the conduct of Onam exhibition/trade fair shall be placed before the learned Ombudsman for approval. The expenditure incurred by the Board in connection with the conduct of Onam exhibition/trade fair and also the income generated therefrom, by auctioning the right to conduct stalls/pavilions, shall be subjected to audit by the State Audit Department, immediately after the exhibition/trade fair is over.

30. With the above directions this DBP is disposed of."

31. As already noticed hereinbefore, Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) is a Devaswom land, which is managed by the Cochin Devaswom Board as a trustee in management of Devaswom property, in terms of the provisions of the Travancore Cochin Hindu Religious Institutions Act. Therefore, there cannot be any activity in Thekkinkadu Maidan, except in accordance with the objects of the trust.

32. By the order dated 08.07.2013, DBP No.48 of 2010 initiated based on CDB Report No.125 of 2010 of the learned Ombudsman, was disposed of, making the interim order dated 08.06.2011 in that DBP absolute. The said interim order dated 08.06.2011, which was extracted in paragraph 2 of the order dated 08.07.2013 in DBP No.48 of 2010, has already been extracted hereinbefore at paragraph 22. In terms of the said order, there shall be no construction, beautification or other activities in the Thekkinkadu Maidan by the Government or the Corporation of Thrissur or any other authority without obtaining specific orders from this Court. It was further directed that there shall be no construction activity by the Cochin Devaswom Board in the Thekkinkadu Maidan without obtaining specific orders from this Court. It was made clear that, this inhibition will not cover such temporary structures which are necessary in connection with Pooram, festivals, rituals, exhibitions, etc. In the order dated 08.07.2013 in DBP No.48 of 2010, this Court has made absolute, the prohibition contained in the interim order dated 08.06.2011 that there are no hoardings and advertisement board inside Thekkindkadu Maidan. The Secretary, Cochin Devaswom Board, was directed to ensure that the entire Thekkinkadu Maidan is kept plastic-free and the Secretary, Thrissur Municipal Corporation was directed to ensure that the environment safety level is maintained in connection with plastic and non-biodegradable and also biodegradable substances, insofar as

Thekkinkadu Maidan is concerned. In the order dated 08.06.2011, this Court directed that no other programmes except those permitted will be undertaken without specific orders of this Court. The said order was made absolute in the order dated 08.07.2013 in DBP No.48 of 2010, wherein it was ordered that all the directions will remain as such for future application.

33. DBP No.78 of 2013 was registered based on CDB Report No.81 of 2013 of the learned Ombudsman in Petition No.23 of 2013 filed by the Cochin Devaswom Board seeking permission to use Thekkinkadu Maidan for commercial purposes like conducting exhibitions, etc. In the order dated 30.09.2013, the Division Bench noticed that, apart from seeking permission as aforesaid, permission was also sought for allowing political parties to conduct meetings, etc., in Thekkinkadu Maidan. The Division Bench found that, the view taken in paragraph 3 of the order dated 08.07.2013 in DBP No.48 of 2010 is that only restricted activities can be permitted in Thekkinkadu Maidan apart from using it in connection with Thrissur Pooram Festival. Therefore, in the order dated 30.09.2013 in DBP No.78 of 2013, the Division Bench took a view that, if any other unrestricted activities are permitted, it will have an adverse impact on the property which is one of the important locations as far as the entire town is concerned. Therefore, the order passed in DBP No.48 of 2010 will take care of all matters which may arise in future. In the said order, the Division Bench

clarified that, whenever fresh applications or proposals are received from interested parties, the Cochin Devaswom Board will place the matter before this Court for consideration and only after sanction by this Court any such activities can be permitted.

34. In view of the orders referred to hereinbefore, any activity other than those permitted in terms of those orders, can be permitted in Thekkinkadu Maidan, which is a Devaswom land, which is managed by the Cochin Devaswom Board as a trustee in management of Devaswom property can be permitted only after sanction by this Court. It is ordered accordingly.

35. The photographs placed on record as Ext.P8 series in W.P.(C)No.26499 of 2018 would show that the directions contained in the order dated 08.07.2013 in DBP No.48 of 2010 that the entire Thekkinkadu Maidan is kept plastic-free and that, the environment safety level is maintained in Thekkinkadu Maidan, in connection with plastic and non-biodegradable and also biodegradable substances, are being openly flouted by the Cochin Devaswom Board and also the Thrissur Municipal Corporation. The photographs placed on record as Exts.P4 and P5 in W.P.(C)No.4617 of 2022 would show that hoardings, advertisement boards and flags of political parties are erected inside Thekkinkadu Maidan, openly flouting the directions contained in the order of this Court dated 08.07.2013 in DBP No.48 of 2010. It is for the Cochin Devaswom Board and its officials to ensure strict compliance

of the directions contained in the order of this Court dated 08.07.2013, while maintaining Thekkinkadu Maidan, which is a Devaswom land, which is being managed by the Board as a trustee in management of Devaswom properties. No hoardings, advertisement boards or flags of political parties shall be erected inside Thekkinkadu Maidan. Musical concerts by Rock Bands, similar to that conducted on 31.12.2022, as 'new year event' in connection with Thrissur shopping festival of Thrissur Municipal Corporation and Thrissur Chamber of Commerce, as evidenced by Ext.P10(a) photographs and Ext.P10(b) to P10(d) videographs cannot be permitted in Thekkinkadu Maidan. It is ordered accordingly.

36. The photographs placed on record as Ext.P4 in W.P.(C)No.4617 of 2022 are regarding erection of hoardings and advertisement boards of Pulimoottil Silks and Kalyan Silks, by the Temple Advisory Committee of Sree Vadakkumnathan Temple, in connection with Sivarathri festival. On 15.02.2022, this Court recorded the submission made by the learned Standing Counsel for Cochin Devaswom Board that the law laid down in the decision of this Court in **Satheesh [2022 (1) KLT 940]** has already been brought to the notice of the Board. On 30.03.2022, it was brought to the notice of this Court that the hoardings and advertisement boards in Ext.P4 photographs have already been removed and that the question of issuing a general circular applicable to all temples under the Cochin

Devaswom Board, in view of the law laid down by this Court in the aforesaid decision is pending consideration before the Board.

37. In **C.S.S. Motor Service v. Madras State [AIR 1953 Madras 279]** a Division Bench of the Madras High Court held that all public streets and roads vest in the State, but that the State holds them as trustee on behalf of the public. The members of the public are entitled as beneficiaries to use them as a matter of right and this right is limited only by the similar rights possessed by every other citizen to use the pathways. The State as trustees on behalf of the public is entitled to impose all such limitations on the character and extent of the user as may be requisite for protecting the rights of the public generally.

38. In **Saghir Ahmad v. State of U.P. [AIR 1954 SC 728]** a Constitution Bench of the Apex Court agreed with the statement of law made by the Division Bench of the Madras High Court in Para.24 of the decision in **C.S.S. Motor Service [AIR 1953 Madras 279]**.

39. In **Sodan Singh v. New Delhi Municipal Committee [(1989) 4 SCC 155]** a Constitution Bench of the Apex Court held that the primary object of building roads is undoubtedly to facilitate people to travel from one point to another.

40. In **Suo Motu v. Travancore Devaswom Board and others [2021/KER/46194 : 2021 SCC OnLine Ker. 13182]** - order dated 16/11/2021 in SSCR No.9 of 2021 - a Division Bench of this Court,

in which both of us were parties, noticed that despite the enactment of the Kerala Public Ways (Restriction of Assemblies and Processions) Act, 2011 by the State Legislature, the law laid down by the Apex Court in **Union of India v. State of Gujarat** [orders in SLP(Civil)No.8519 of 2006] and the law laid down by this Court in **Centre for Consumer Education v. State of Kerala [2019 (3) KHC 957]**, **Shani Johnson v. Kochi Corporation [2019 (3) KHC 928]**, **Shali v. State of Kerala [2019 (5) KHC 118]**, **Kottamom (Kottiyar Mangalam) Sri. Darmasastha Temple Advisory Committee v. State of Kerala [2019 (5) KHC SN 27 : 2019/KER/48273]**, **Sivaprasad v. State of Kerala [2020 (6) KHC 373]**, the State of Kerala and the law enforcement machinery have not taken necessary steps to ensure strict enforcement of the relevant statutory provisions and also the Guidelines for Pedestrian Facilities formulated by Indian Roads congress (IRC:103-2012), in order to prevent encroachment of any nature, in any form, either temporary or permanent, on the right of way or on the pedestrian facilities on public roads, since any such encroachment will adversely affect the mobility and safety of all pedestrians including those with disabilities and reduced mobility.

41. In **Suo Motu [2021/KER/46194 : 2021 SCC OnLine Ker. 13182]** this Court directed respondents 2 to 4 in SSCR No.9 of 2021 to take necessary steps to ensure strict compliance of the directions contained in the decision referred to supra by all concerned,

in letter and spirit, by maintaining the roads and pedestrian facilities in the State strictly in conformity with the relevant standards and guidelines, without any encroachment whatsoever on the right of way or on the pedestrian facilities provided as per such standards and guidelines, in order to ensure the safety of most vulnerable road users, such as pedestrians, cyclists, children, elderly and the differently-abled persons.

42. Pursuant to the direction contained in the order of a Division Bench of this Court dated 08.06.2021 in W.P. (C)No.11886 of 2021 - **Trivandrum Chamber of Commerce and Industry v. State of Kerala and others** - in which one among us (Anil K. Narendran, J.) was a party, whereby the State of Kerala was directed to file a counter affidavit explaining the steps already taken to ensure strict enforcement of the orders of the Apex Court, including the order dated 18.01.2013 in SLP(C)No.8519 of 2006, the decision of this Court in **Shivaprasad [2020 (6) KHC 373]**, etc., the relevant statutory provisions and also the Guidelines for Pedestrian Facilities formulated by Indian Roads Congress (IRC:103-2012), in order to prevent encroachment of any nature, in any form, either temporary or permanent, on the right of way or pedestrian facilities on public road, the 1st respondent therein has issued a Circular dated 16.08.2021, whereby the Director of Urban Affairs and the Director of Panchayats are directed not to grant any permission for installation of any statue

or construction of any structure in public roads, pavements, sideways and other public utility places, except for installation of high mast lights, street lights or construction relating to electrification, traffic, toll or for the development and beautification of streets, roads, highways, etc. and relating to public utility and facilities in connection with the direction of the Apex Court. The Director Urban Affairs and the Director of Panchayats are directed to instruct Local Self Government Institutions accordingly and shall regularly monitor removal of unauthorized constructions from the roads as per the provisions in the respective Statutes in compliance with the directions contained in the orders referred to therein.

43. In **Suo Motu v. State of Kerala and others [2022 (7) KHC 185]** a Division Bench of this Court, in which both of us were parties, held that, once roads are constructed as per the standards and guidelines prescribed by the Indian Roads Congress, it has to be maintained as such without any encroachment on the right of way or on the pedestrian facilities provided as per such standards and guidelines. Footpaths are not intended for stocking articles for trade or for the display of goods by traders, in front of their shops or establishments. Similarly, footpaths are not intended for the purpose of holding campaigns, demonstrations, etc., by political parties and other organisations, by causing any obstruction whatsoever to the free movement of pedestrians. No political party or organisation can be

permitted to encroach upon footpaths or right of way of public roads, in connection with any such protest, demonstrations, etc.; by erecting any temporary structures on the right of way or on the pedestrian facilities, forcing pedestrians including those with disabilities and reduced mobility to walk in unsafe circumstances. Showing scant regard to the law laid down in the decisions referred to *supra*, political parties and various organisations are permitted to put up structures on footpaths and even on the right of way on public roads, all over the State. The protesters/ agitators having political backing are even permitted to lay carpet and place chairs on the footpath. On account of such encroachments, pedestrians including those with disabilities and reduced mobility are forced to walk through the right of way of public roads, in unsafe circumstances. In view of the provisions under clause (4) of Regulation 5 of the Motor Vehicles (Driving) Regulations, 2017, the driver and the riders shall take special care and precautions to ensure the safety of the most vulnerable road users such as pedestrians, cyclists, children, elderly and the differently-abled persons. As per sub-clause (c) of clause (2) of Regulation 22, a vehicle shall not be parked on footpaths, cycle paths and pedestrian crossings.

44. Section 198A of the Motor Vehicles Act, 1988, inserted by Section 84 of the Motor Vehicles (Amendment) Act, 2019, which came into force with effect from 01.09.2019, vide S.O. 3147(E) dated 30.08.2019, deals with failure to comply with standards for road

design, construction and maintenance. As per sub-section (1) of section 198A, any designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time. As per sub-section (2), where failure on the part of the designated authority, contractor, consultant or concessionaire responsible under subsection (1) to comply with standards for road design, construction and maintenance, results in death or disability, such authority or contractor or concessionaire shall be punishable with a fine which may extend to Rs. 1,00,000/- and the same shall be paid to the Fund constituted under Section 164B.

45. As per sub-section (3) of Section 198A, for the purposes of sub-section (2), the court shall in particular have regard to the matters enumerated in clauses (a) to (g), namely, (a) the characteristics of the road, and the nature and type of traffic which was reasonably expected to use it as per the design of road; (b) the standard of maintenance norms applicable for a road of that character and use by such traffic; (c) the state of repair in which road users would have expected to find the road; (d) whether the designated authority responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which

the action relates was likely to cause danger to the road users; (e) whether the designated authority responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose; (f) whether adequate warning notices through road signs, of its condition had been displayed; and (g) such other matters as may be prescribed by the Central Government. As per Explanation, for the purposes of Section 198A, the term 'contractor' shall include subcontractors and all such persons who are responsible for any stage in the design, construction and maintenance of a stretch of road.

46. In **Satheesh [2022 (1) KLT 940]** this Court held that, once roads are constructed as per the standards and guidelines prescribed by the Indian Roads Congress, it has to be maintained as such without any encroachment on the right of way or on the pedestrian facilities provided as per such standards and guidelines. Footpaths are not intended for stocking articles for trade or for display of goods by traders, in front of their shops or establishments. Similarly, footpaths are not intended for holding campaigns, demonstrations, etc., by political parties and other organisations, by causing obstructions to free movement of pedestrians. No political party or organisation can be permitted to encroach footpath or right of way of public roads, in connection with any such protest, demonstrations, etc., by erecting any temporary

structures on the right of way or on the pedestrian facilities, forcing pedestrians including those with disabilities and reduced mobility to walk in unsafe circumstances.

47. In **Satheesh [2022 (1) KLT 940]** this Court noticed that, showing scant regard to the law laid down in the decisions referred to supra, political parties and various organisations are permitted to put up structures on footpaths and even on the right of way on public roads, all over the State. The protesters/agitators having political backing are even permitted to lay carpet and place chairs on the footpath. On account of such encroachments, pedestrians including those with disabilities and reduced mobility are forced to walk through the right of way of public roads, in unsafe circumstances. The prohibition imposed by the Apex Court in the decision in **Union of India v. State of Gujarat** [SLP(Civil) No. 8519 of 2006], whereby the Government of Kerala is restrained, with effect from 18.01.2013, from granting any permission for installation of any statue or construction of any structure in public roads, pavements, sideways and other public utility places, is being flouted by permitting unauthorised hoardings, structures like resting places for headload workers, bus shelters constructed by political and other organisations, etc., on public roads, pavements, footpaths, etc. Such encroachments are even permitted in front of the Office of the Local Self Government Institutions. The law laid down by this Court in **Shali [2019 (5) KHC 118], Kottamom**

(Kottiyar Mangalam) Sri. Darmasastha Temple Advisory Committee [2019 (5) KHC SN 27] and Sivaprasad [2020 (6) KHC 373] that every Local Authority in the State is bound to provide pedestrian facilities on public roads in conformity with the Guidelines for Pedestrian Facilities [IRC:103-2012] and that, once the National Highways/State Highways are constructed as per the standards and guidelines prescribed by the Indian Roads Congress, it has to be maintained as such without any encroachment on the right of way or on the pedestrian facilities provided as per such standards and guidelines is also being flouted by permitting encroachments on the right of way and on the pedestrian facilities.

48. In view of the statutory provisions referred to hereinbefore and the law laid down in the decision referred to *supra*, the roads constructed as per the standards and guidelines prescribed by the Indian Roads Congress has to be maintained as such, without any encroachment on the right of way or on the pedestrian facilities provided as per such standards and guidelines. No political party, organisation or trader can be permitted to encroach upon footpaths or right of way of public roads, in connection with any protests, demonstrations or trade, by erecting any temporary structures on the right of way or on the pedestrian facilities or by stocking articles for trade forcing pedestrians including those with disabilities and reduced mobility to walk in unsafe circumstances.

49. In view of the law laid down by this Court in **Satheesh [2022 (1) KLT 940]** the roads constructed as per the specifications and standards prescribed by the Indian Roads Congress are for vehicular traffic, which cannot be converted as a parking space for commercial or other establishments, religious institutions, etc., or even for putting up temporary structures in connection with festivals in temples, churches, mosque, etc., or for putting up temporary structures as resting place for headload workers, etc., or for putting up bus shelters by political parties or by any other organisations.

50. Since the State holds public roads as a trustee on behalf of the public, the inaction on the part of the State and the Local Self Government Institutions in preventing such encroachments upon footpaths or right of way of public roads will amount to breach of trust. Any failure on the part of the designated authorities, contractor, consultant or concessionaire in maintaining the safety standards of public roads will attract the penal consequences provided under Section 198A of the Motor Vehicles Act, 1988.

51. The Cochin Devaswom Board and its officials shall ensure strict compliance of the law laid down by this Court in **Satheesh [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

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W.P.(c)No.4617 of 2022

management, in connection with annual festival and other religious ceremonies. The additional 6th respondent in W.P.(C)No.26499 of 2018, i.e., the Secretary of Thrissur Municipal Corporation shall 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.

In the above circumstances, these writ petitions are disposed of in terms of the directions contained hereinbefore at paragraphs 22, 34, 35 and 51.

Sd/-
ANIL K. NARENDRAN, JUDGE

Sd/-
P.G. AJITHKUMAR, JUDGE

yd

APPENDIX OF WP(C) 26499/2018

PETITIONER EXHIBITS

- EXHIBIT-P1: THE COPY OF THE NEWS ITEM CAME ON 02.07.2018 IN THE MATHRUBHUMI DAILY DATED 02.07.2018.
- EXHIBIT-P2: THE TRUE COPY OF THE NOTICE DATED 05.07.2018 SEND BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT-P3: THE TRUE COPY OF THE NOTICE DATED 05.07.2018 SEND BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT-P4: THE TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 09.07.2018 DULY SIGNED BY THE 1ST RESPONDENT.
- EXHIBIT-P5: THE TRUE COPY OF THE ACKNOWLEDGEMENT CARD DAED 09.07.2018 DULY SIGNED BY THE 2ND RESPONDENT.
- EXHIBIT-P6: THE TRUE COPY OF THE NEWS ITEM CAME IN "MALAYALA MANORAMA" DAILY DATED 04.07.2018.
- EXHIBIT-P7: THE TRUE COPY OF THE DECISION OF THE 1ST RESPONDENT DATED 11.07.2003.
- EXHIBIT-P8 (A) : THE TRUE COPY OF THE PHOTOGRAPH.
- EXHIBIT-P8 (B) : THE TRUE COPY OF THE PHOTOGRAPH.
- EXHIBIT-P8 (C) : THE TRUE COPY OF THE PHOTOGRAPH.
- EXHIBIT-P8 (D) : THE TRUE COPY OF THE PHOTOGRAPH.
- EXHIBIT-P8 (E) : THE TRUE COPY OF THE PHOTOGRAPH.
- EXHIBIT-P8 (F) : THE TRUE COPY OF THE PHOTOGRAPH.
- EXHIBIT-P8 (G) : THE TRUE COPY OF THE PHOTOGRAPH.
- Exhibit P9 TRUE COPY OF LETTER DATED 05.11.2022 ISSUED BY THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD, THRISSUR TO THE SECRETARY, COMMON FORUM OF PARAMEKKAVU-THIRUVAMBADY DEVASWOM
- Exhibit P10 (a) THE PHOTOGRAPHS EVIDENCING THE PERFORMANCES CONDUCTED AS A PART OF THE NEW YEAR EVENT OF THRISSUR SHOPPING FESTIVAL -EXPO 2022 AT THE VADAKKUMNATHA KSHETHRA MAIDAN IN THE NIGHT OF 31.12.2022
- Exhibit P10 (b) THE VIDEOGRAPH EVIDENCING THE PERFORMANCES CONDUCTED AS A PART OF THE NEW YEAR EVENT OF THRISSUR SHOPPING

FESTIVAL EXPO 2022 AT THE VADAKKUMNATHA
KSHETHRA MAIDAN IN THE NIGHT OF
31.12.2022.

Exhibit P10 (C) THE VIDEOGRAPH EVIDENCING THE
PERFORMANCES CONDUCTED AS A PART OF THE
NEW YEAR EVENT OF THRISSUR SHOPPING
FESTIVAL EXPO 2022 AT THE VADAKKUMNATHA
KSHETHRA MAIDAN IN THE NIGHT OF
31.12.2022.

Exhibit P10 (D) THE VIDEOGRAPH EVIDENCING THE
PERFORMANCES CONDUCTED AS A PART OF THE
NEW YEAR EVENT OF THRISSUR SHOPPING
FESTIVAL EXPO 2022 AT THE VADAKKUMNATHA
KSHETHRA MAIDAN IN THE NIGHT OF
31.12.2022.

7TH RESPONDENT EXHIBITS

Exhibit R7(a) A True copy of the request submitted by
the Thrissur Chamber of commerce before
the President of the Cochin Devasom
Board dated 05.12.2022

Exhibit R7(b) A true copy of the judgement in OP No.
8521/2003 dated 28.03.2003 of this
Honourable Court

Exhibit R7(C) TRUE COPY OF THE ORDER NO.R13569/2022
DATED 03.12.2022 ALONG WITH THE
INSTRUTIONS.

2ND RESPONDENT ANNEXURES

ANNEXURE R2 (a) True copy of request dated 15/11/2022
submitted by the additional 7th
respondent to the President of Cochin
Devaswom Board.

ANNEXURE R2 (b) True copy of Report No. 70/20 dated
17/11/2022 submitted by the second
respondent to the Secretary, Cochin
Devaswom Board.

ANNEXURE R2 (c) True copy of Order on R. 13569/2022
dated 3/12/2022 issued by Cochin
Devaswom Board.

ANNEXURE R2 (d) True copy of letter No. R. 13569/22
dated 13/01/2023 issued by the
Secretary, Cochin Devaswom Board to the
Convener, Thrissur Shopping Festival
Organising committee.

APPENDIX OF WP(C) 4617/2022

PETITIONER EXHIBITS

- Exhibit P1** THE COPY OF THE JUDGMENT IN WPC NO. 33168/2019 DATED 10.01.2020 OF THE HONBLE HIGH COURT OF KERALA.
- Exhibit P2** THE COPY OF THE REPRESENTATION DATED 01.09.2021 SUBMITTED BY THE PETITIONER BEFORE THE DIRECTOR OF ARCHAEOLOGY, THIRUVANANTHAPURAM.
- Exhibit P3** THE COPY OF THE INTIMATION NO. R. 1908/2015 DATED 30.10.2021 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.
- Exhibit P4** THE COPY OF THE PHOTOGRAPHS SHOWING THE ADVERTISEMENT BOARDS ARE ERECTED BY PULIMOOTTIL SILKS AND KALYAN SILKS.
- Exhibit P5** THE COPY OF THE PHOTOGRAPHS SHOWING THE PARTY CONGRESS OF BHARANAKHATANA SAMRAKSHNANA SAMMELANAM SCHEDULED ON 26.11.2021.
- Exhibit P6** THE COPY OF THE PHOTOGRAPHS OF THE EXHIBITION FOR SELLING OF THE CR IN VADAKUMNATHA KSHETHRA MAITHANAM ON 03.12.2021.
- Exhibit P7** THE COPY OF THE NOTICE ISSUED BY THE DEVASWOM MANAGER, VAADAKKUMNATHA DEVASWOM, THRISSUR.
- Exhibit P8** THE COPY OF THE RECEIPT NO. 66630 DATED 31.01.2022 FOR COLLECTING PARKING FEE FOR CAR RS. 50/- BY THE 4TH RESPONDENT.
- Exhibit P8 (A)** THE COPY OF THE RECEIPT NO. 67026 DATED 02.20.2022 FOR COLLECTING PARKING FEE FOR CAR RS. 50/- BY THE 4TH RESPONDENT.
- Exhibit P8 (B)** THE COPY OF THE RECEIPT NO. 23368 DATED 02.02.2022 FOR COLLECTING PARKING FEE FOR CAR RS.10/- BY THE 4TH RESPONDENT.
- Exhibit P8 (C)** THE COPY OF THE RECEIPT NO. 48984 DATED 20.09.2022 FOR COLLECTING PARKING FEE FOR CAR RS. 50/- BY THE 4TH RESPONDENT.
- Exhibit P9** THE COPY OF THE ORDER IN D.B.P. NO. 48/2010 DATED 08.06.2011 OF THE HONBLE HIGH COURT OF KERALA.
- Exhibit P10** TRUE COPY OF THE TENDER NOTIFICATION NO. R 1268/95 DATED 30/06/2022

W.P.(c)No.26499 of 2018 &
W.P.(c)No.4617 of 2022

Exhibit-P11

**PUBLISHED BY THE 2ND RESPONDENT
TRUE COPY OF THE NOTIFICATION NO.R-
12489/22 DATED 05.11.2022 ISSUED BY THE
4TH RESPONDENT.**

3rd RESPONDENT EXHIBIT

EXHIBIT R3(A)

**True copy of order dated 11.6.2018 in
DBP No. 29/2015 passed by this
Honourable Court.**