



2024/KER/28879

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE HARISANKAR V. MENON

THURSDAY, THE 11TH DAY OF APRIL 2024 / 22ND CHAITHRA, 1946

DBA NO.3 OF 2024

APPLICANT:

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

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

RESPONDENTS:

- 1 THE DEPUTY DIRECTOR
KERALA STATE AUDIT DEPARTMENT, COCHIN DEVASWOM
AUDIT, ROUND NORTH, THRISSUR, PIN - 680001
- 2 DISTRICT COLLECTOR
THRISSUR, CIVIL STATION, AYYANTHOLE, THRISSUR
DISTRICT, PIN - 680003
- 3 DISTRICT POLICE CHIEF
THRISSUR, SAKTHAN THAMPURAM NAGAR, VELIYANNUR,
THRISSUR, PIN - 680001
- 4 THRISSUR MUNICIPAL CORPORATION
CORPORATION OFFICE, THRISSUR, PIN - 680001
REPRESENTED BY ITS SECRETARY,
- 5 PARAMEKKAVU DEVASWOM
GEETHANJALI BUILDING, ROUND EAST, THRISSUR,
PIN - 680001 REPRESENTED BY ITS SECRETARY.
- 6 THIRUVAMBADY DEVASWOM
REPRESENTED BY ITS SECRETARY, THIRUVAMBADY
DEVASWOM OFFICE, THIRUVAMBADY DEVASWOM BUILDING,
ROUND WEST, THRISSUR -, PIN - 680001



**7 THRISSUR POORAM EXHIBITION COMMITTEE
2ND FLOOR, THIRUVAMBADY DEVASWOM BUILDING, ROUND
WEST, THRISSUR, PIN - 680001, REPRESENTED BY ITS
SECRETARY,**

**R1 TO 3 BY SRI.S.RAJMOHAN, SR.GOV.T.PLEADER
R4 BY SRI.SANTHOSH P.PODUVAL, SC
R5 BY SRI.P.VISWANATHAN (SR.)
SRI.AJITH VISWANATHAN
R6 BY SRI.N.K.SUBRAMANIAN
R7 BY SRI.M.RAMESH CHANDER (SR.)
SRI.GOVIND G. NAIR**

**THIS DEVASWOM BOARD APPLICATION HAVING COME UP FOR
ADMISSION ON 11.04.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:**



“CR”

ORDER

Anil K. Narendran, J.

This DBA is filed by the Cochin Devaswom Board seeking an order to issue appropriate directions to the respondents regarding solid waste management in Thekkinkadu Maidan (Sree Vadakkunnathan Kshethra Maidan) during Thrissur Pooram of the year 1199 ME (2024) and to issue necessary directions to the respondents to implement the directions contained in Annexure A3 report dated 10.10.2023 issued by the Internal Vigilance Wing of the Local Self Government Department. This DBA is filed in terms of the directions contained in Annexure A1 order dated 04.01.2024 of a Division Bench of this Court, in which one among us [Anil K. Narendran, J.] was a party, in DBP No.3 of 2023, which was registered based on Report No.39 of the learned Ombudsman in Complaint No.52 of 2022 made by a devotee regarding disposal of the waste accumulated in Thekkinkadu Maidan (Sree Vadakkunnathan Kshethra Maidan) in connection with Thrissur Pooram.

2. On 05.04.2024, when this DBA came up for consideration, the learned Standing Counsel for the 4th respondent Thrissur Municipal Corporation, the learned Senior Counsel for 5th respondent Paramakkavu Devaswom, the learned counsel for the 6th respondent Thiruvambady Devaswom and the learned Senior Counsel for the 7th respondent Thrissur Pooram Exhibition Committee entered appearance and the



matter was adjourned for getting instructions.

3. Heard the learned Standing Counsel for Cochin Devaswom Board for the applicant, the learned Senior Government Pleader for respondents 2 and 3, the learned Standing Counsel the 4th respondent Thrissur Municipal Corporation, the learned Senior Counsel for 5th respondent Paramakkavu Devaswom, the learned counsel for the 6th respondent Thiruvambady Devaswom and the learned counsel for the 7th respondent Thrissur Pooram Exhibition Committee.

4. 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. 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.

5. 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.

6. Section 73A of the Act deals with the duties of the Board. As per Section 73A, it shall be the duty of the Board to perform the functions enumerated in clauses (i) to (iv), namely, (i) to see that the regular traditional rites according to the practice prevalent in the religious institution are performed promptly; (ii) to monitor whether the administrative staff and employees and also the employees connected with religious rites are functioning properly; (iii) to ensure proper maintenance and upliftment of the Hindu Religious Institutions; (iv) to establish and maintain proper facilities in major temples for the devotees.

7. In **K.B. Sumodh v. Commissioner, Cochin Devaswom Board and others [2023:KER:25530]** a Division Bench of this Court, in which one among us [Anil K. Narendran, J.] was a party held that 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.

8. DBP No.32 of 2023 was registered *suo motu* based on a news item that appeared in Kerala Kaumudi daily dated 10.05.2023, regarding the entry of Assistant Devaswom Commissioner, Thrissur, Law Officer and other Senior Officials of the Cochin Devaswom Board in the Thekke Gopuranada of Vadakkunnathan Temple, which was alleged to be in a dilapidated condition. The photograph, which forms part of the news report, shows a heap of plastic containers used for distributing food and empty pet bottles near the Thekke Gopuranada of Sree Vadakkunnathan Temple. The news report contained serious allegations against the Devaswom Officials, Members of the Temple Advisory Committee of Vadakkunnathan Temple and the officials of Thrissur Municipal Corporation. As per the news report, 'Sudhi-Karmam' in Vadakkunnathan Temple was conducted on 10th, 11th and 12th.

9. By the order dated 26.07.2023 of a Division Bench of this Court, in which one among us [Anil K. Narendran, J.] was a party, DBP No.32 of 2023 was disposed of by directing the Cochin Devaswom Board and Thrissur Municipal Corporation to ensure that the entire Sree Vadakkunnathan Kshethra Maidan (Thekkinkadu Maidan) is kept plastic-free and that the environmental safety levels are maintained in the entire Maidan in connection with plastic and non-biodegradable and also biodegradable substances.



10. DBP No.35 of 2023 was registered *suo motu* based on Report No.13 of 2023 in Complaint No.136A of 2022 of the learned Ombudsman. The allegations in the complaint made by the devotee were mainly regarding the manner in which Vadakkunnathan Temple Compound is maintained. By another order dated 26.07.2023 of a Division Bench of this Court, in which one among us [Anil K. Narendran, J.] was a party, DBP No.35 of 2023 was disposed of, taking note of the directions contained in the order dated 26.07.2023 in DBP No.32 of 2023.

11. In that order dated 26.07.2023 in DBP No.35 of 2023, in continuation of the order in DBP No.32 of 2023, it was ordered that the directions contained in the judgment of this Court in **K.B. Sumodh v. Commissioner, Cochin Devaswom Board and others [2023:KER:25530]** shall be scrupulously followed by the Cochin Devaswom Board and Thrissur Municipal Corporation. Musical concerts by Rock Bands similar to that conducted on 31.12.2022 as 'new year event' in connection with Thrissur Shopping Festival and similar activities creating noise pollution and disturbance to the temple rituals and ceremonies shall not be permitted in Sree Vadakkunnathan Kshethra Maidan (Thekkinkadu Maidan), which is a Devaswom property. No part of Thekkinkadu Maidan shall be used by the Cochin Devaswom Board or the Thrissur Municipal Corporation for the disposal of biodegradable or non-biodegradable waste generated during Thrissur Pooram Festival.



exhibitions, etc. The Cochin Devaswom Board shall deploy a sufficient number of security staff for watch and ward duty in Thekkinkadu Maidan. The Circle Inspector of Police shall ensure regular patrolling by the police to ensure that Thekkinkadu Maidan, which is a Devaswom property, is not used for any illegal activities, in any manner.

12. According to 'Agama Sastra' Hindu temples represent the culmination of social and religious aspirations of a society. The temple is the focal point in the life of a community and often represents its pride, identity and unity. It draws into its fold people from its various segments and denominations and binds them together. The worship that takes place in the sanctum sanctorum and within the temple premises is important; so are the festivals and occasional processions that involve the direct participation of the entire community. They complement each other. While the worship of the deity in the sanctum sanctorum might be an individual's spiritual or religious need; the festivals are the expression of a community's joy, exuberance, devotion and pride and are also an idiom of a community's cohesiveness. Therefore, in discharge of the statutory duty under Section 73A of the Travancore-Cochin Hindu Religious Institutions Act, the Cochin Devaswom Board and its officials have to ensure that the festivals in Vadakkumnatha Temple are conducted in an accustomed manner, enabling all worshippers to exercise their right to worship subject to the practice and tradition in that temple.



13. DBP No.83 of 2023 was registered based on Report No.32 of 2023 of the learned Ombudsman in Complaint No.105 of 2023, made by a devotee raising allegations relating to untoward incidents against temple rituals and practices, which occurred on the Pooram day of 2023 in Sree Vadakkumnathan Temple. That DBP was disposed of by Annexure A2 order dated 18.12.2023, a Division Bench of this Court, in which one among us [Anil K. Narendran, J.] was a party, by directing the Cochin Devaswom Board and its officials to ensure that the directions contained in the orders of this Court dated 26.07.2023 in DBP No.32 of 2023 and DBP No.35 of 2023 and that contained in Annexure A2 order are complied with in letter and spirit, by all concerned, during Pooram days.

14. A 'worshipper' is a person who shows reverence and adoration for a deity. Right to worship is a civil right, of course in an accustomed manner and subject to the practice and tradition in each temple. Therefore, the entry of a 'worshipper' into the premises of Sree Vadakumnathan Temple, through Gopurams, wearing footwear, cannot be permitted. It is for the Cochin Devaswom Board and its officials to ensure, in terms of the directions contained in Annexure A2 order dated 18.12.2023 in D.B.P.No.83 of 2023, that there is no such entry of a 'worshipper' into the premises of Sree Vadakumnathan Temple, through the Gopurams, during Thrissur Pooram. The Board and its officials shall ensure that the daily worship and ceremonies in Sree Vadakumnathan



Temple during Thrissur Pooram are conducted according to the practice and tradition of that temple.

15. The learned Standing Counsel for Cochin Devaswom Board has made available for the perusal of this Court the minutes of the meeting held in the Chambers of the District Collector, Thrissur, on 01.04.2024 regarding the preparatory steps that have to be taken before Thrissur Pooram. The learned Standing Counsel for Thrissur Municipal Corporation would point out the difficulties faced by the Corporation in the disposal of waste generated during Thrissur Pooram, due to lack of open ground. The Corporation engages 50 DLR workers during Thrissur Pooram festival and 380 DLR workers on 19th and 20th of April 2024, for cleaning Thekkinkadu Maidan (Sree Vadakkunnathan Kshethra Maidan).

16. In view of the directions contained in the orders of this Court dated 26.07.2023 in DBP No.32 of 2023 and DBP No.35 of 2023, no part of Thekkinkadu Maidan (Sree Vadakkunnathan Kshethra Maidan) shall be used by Cochin Devaswom Board or Thrissur Municipal Corporation for the disposal of biodegradable or non-biodegradable waste generated during Thrissur Pooram Festival, exhibitions, etc. The Board and the Municipal Corporation, with the cooperation of respondents 5 to 7, namely, Paramekkavu Devaswom, Thiruvambady Devaswom and Thrissur Pooram Exhibition Committee shall take necessary steps to ensure that, during Thrissur Pooram, the environmental safety levels are maintained in Thekkinkadu Maidan (Sree Vadakkunnathan Kshethra



Maidan) in connection with plastic and non-biodegradable and also biodegradable substances. The 2nd respondent District Collector shall convene a joint meeting, on or before 17.04.2024, of the officials of the 4th respondent Corporation and the representatives of 5th and 6th respondents Devaswoms and the 7th respondent Exhibition Committees for and effective disposal of biodegradable and non-biodegradable waste generated during Thrissur Pooram.

With the above directions contained hereinbefore at paragraphs 14 and 16, this DBP is disposed of.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

HARISANKAR V. MENON, JUDGE

AV/12/4



APPENDIX OF DBA 3/2024

PETITIONER ANNEXURES

- ANNEXURE A 1** TRUE COPY OF ORDER DATED 04/01/2024 IN DBP NO. 3 OF 2023 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 2** TRUE COPY OF ORDER DATED 18/12/2023 IN DBP NO. 83 OF 2023 PASSED BY THIS HONOURABLE COURT.
- ANNEXURE A 3** TRUE COPY OF REPORT BEARING NO. VIG 1/23 DATED 10.10.2023 SUBMITTED BY THE INTERNAL VIGILANCE OFFICER, LOCAL SELF GOVERNMENT DEPARTMENT TO THE PRESIDENT OF THE APPLICANT BOARD
- ANNEXURE A 4** TRUE COPY OF NOTICE BEARING NO. KLSA-3647/2023 DATED 04.11.2023 ISSUED BY THE SECRETARY, DLSA, THRISSUR TO THE APPLICANT AND OTHERS.
- ANNEXURE A 5** TRUE COPY OF ORDER NO. R. 11546/23 DATED 07.11.2023 ISSUED BY THE APPLICANT
- ANNEXURE A 6** TRUE COPY OF FORMAT OF THE NOTICES ISSUED BY THE DEVASWOM MANAGER, SREE VADAKKUMNATHA DEVASWOM
- ANNEXURE A 7** TRUE COPY OF WRITTEN STATEMENT BEARING NO. R. 11546/23 DATED 07.11.2023 SUBMITTED BY THE APPLICANT BEFORE THE DLSA, THRISSUR
- ANNEXURE A 8** TRUE COPY OF NOTICE BEARING NO. PCB/TSR/GEN/38/01 DATED 07/11/2023 ISSUED BY THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, THRISSUR.
- ANNEXURE A 9** TRUE COPY OF COMMUNICATION NO. R. 11546/23 DATED 22/11/2023 ISSUED BY THE APPLICANT TO THE ENVIRONMENTAL ENGINEER, KERALA STATE POLLUTION CONTROL BOARD, THRISSUR
- ANNEXURE A 10** TRUE COPY OF LETTER NO. 1432/D.S.M/2023 DATED 05/12/2023 ISSUED BY THE DISTRICT COORDINATOR, DISTRICT SUCHITWA MISSION TO THE



DEPUTY DIRECTOR, TOURISM DEPARTMENT AND OTHERS

- ANNEXURE A 11** TRUE COPY OF COMMUNICATION BEARING NO.R. 11546/23 DATED 13/12/2023 ISSUED BY THE APPLICANT.
- ANNEXURE A 12** TRUE COPY OF REPORT BEARING NO.R2. 45/15 DATED 13/12/2023 SUBMITTED BY THE ASSISTANT COMMISSIONER, THRISSUR GROUP
- ANNEXURE A 13** TRUE COPY OF ORDER NO. PLP 214/2023 DATED 08/11/2023 ISSUED BY THE SECRETARY, DISTRICT LEGAL SERVICES AUTHORITY, THRISSUR
- ANNEXURE A 14** TRUE COPY OF REPORT BEARING NO. R2 45/15 DATED 28/12/2023 ALONG WITH THE PROPOSAL SUBMITTED BY ECO ZONE CONCEPTS
- ANNEXURE A 15** TRUE COPY OF ORDER NO. R. 11546/23 DATED 25/01/2024 ISSUED BY THE APPLICANT.
- APPLICATION** DEVASWOM BOARD APPLICATION FILED UNDER SECTION 151 OF CPC