



2024/KER/512

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE G. GIRISH

THURSDAY, THE 4TH DAY OF JANUARY 2024 / 14TH POU SHA, 1945

DBP NO.3 OF 2023

COCHIN DEVASWOM BOARD - REPORT NO. 39/2022 IN COMPLAINT NO.
52 OF 2022 - DISPOSAL OF WASTE ACCUMULATED IN CONNECTION WITH
POORAM FESTIVAL IN THE COMPOUND OF SREE VADAKKUMNATHAN
TEMPLE.

COMPLAINANT:

NARAYANANKUTTY K
28/575/3, PALIYAM ROAD, THRISSUR 680001

BY ADV ANCHAL C VIJAYAN

RESPONDENTS:

- 1 COCHIN DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, ROUND NORTH,
THRISSUR 680001
- 2 THE MANAGER
SREE WADAKKUMNATHAN DEVASWOM, SREEMOOLASTANAM,
THRISSUR.
- 3 THE SECRETARY
THIRUVAMBADI DEVASWOM, PATTUPURAICKAL P.O.,
THRISSUR
- 4 THE SECRETARY
PARAMEKKAVU DEVASWOM, ROUND EAST, THRISSUR
- 5 THRISSUR CORPORATION
MUNICIPAL OFFICER ROAD, KURUPPAM, THEKKINKADU



MAIDAN, THRISSUR, PIN 680001
REPRESENTED BY ITS SECRETARY

*ADDL.R6 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERN-
MENT, REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM-695 001

*ADDL.R7 THE DISTRICT COLLECTOR
FIRST FLOOR, CIVIL STATION, CIVIL LINES ROAD,
KALYAN NAGAR, AYYANTHOLE, THRISSUR - 680 003.
*[ADDL.R6 & R7 ARE SUO MOTU IMPLEADED AS PER ORDER
DATED 28/03/2023 IN DBP 3/2023]

*ADDL.R8 THRISSUR POORAM EXHIBITION COMMITTEE
IIND FLOOR, THIRUVAMBADY DEVASWOM BUILDING, ROUND
WEST, THRISSUR, PIN - 680 001, REPRESENTED BY ITS
SECRETARY RAJESH, AGED 58 YEARS,
S/O.LATE V.G.PODUVAL, RESIDING AT CHANDRA VILLA,
KEERAMKULANGARA, THRISSUR, PIN - 680 005.
*[ADDL.R8 IS SUO MOTU IMPLEADED AS PER ORDER DATED
04/04/2023 IN DBP 3/2023]

BY ADVS.

SRI.SANTHOSH P.PODUVAL, STANDING COUNSEL FOR
THRISSUR MUNICIPAL CORPORATION; SRI.S.RAJMOHAN,
SENIOR GOVERNMENT PLEADER; SRI.P.RAMACHANDRAN, AMI-
CUS CURIAE FOR OMBUDSMAN; SRI.K.P.SUDHEER, STANDING
COUNSEL;
SRI.GOVIND G. NAIR

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR
ADMISSION ON 04.01.2024, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



ORDER

Anil K. Narendran, J.

This DBP is registered based on Report No.39 of 2022 of the learned Ombudsman in Complaint No.52 of 2022, which was one filed by the petitioner-complainant regarding disposal of the waste accumulated in the compound of Sree Vadakkumnathan Temple in connection with Thrissur Pooram. The report of the learned Ombudsman reads thus;

“Petitioner is a public interest litigant who has been filing petitions before this forum. In the present petition, his allegation is that after Pooram festival, the entire waste is disposed of in the land belonging to Cochin Devaswom Board. It is his case that the waste is buried by digging huge pits with the help of JCB. According to him, 50 metres away from Thekkinkadu Maidanam, Padinjare Pallithamam ground situates and it is used as a flower garden maintained by the Cochin Devaswom Board. According to him, instead of making a scientific arrangement for disposal of the waste, the same is being buried in the Pallithamam ground which is not proper and both the Cochin Devaswom Board and Thrissur Municipal Corporation may be prevented from making use of the ground for such purposes in future.

2. In the supplementary statement filed by him, it is alleged that various stalls are put up on temporary basis for doing various businesses during Pooram season, that the land in Pallithamam Maidanam is let out on temporary basis, that permission is granted based on the land allotted and that in



the same manner, the Corporation also has permitted the land surrounding the Thekkinkadu Maidanam for such purposes. The waste accumulated from all these businesses as stated above, are now being buried in the Devaswom land. According to him, because of these activities of the Board, water in his well is polluted. An amount of Rs.3.5 lakhs is paid to Thrissur Corporation by the Kerala Tourism Development Corporation, which the Cochin Devaswom Board is not aware of. A copy of the complaint along with the supplementary statement is produced as Annexure O1.

3. The Devaswom Commissioner, in his letter dated 27.6.2022 has denied the allegations and it is stated that the entire cleaning of the Wadakkumnathan Temple ground in connection Thrissur Pooram festival is done by the Thrissur Municipal Corporation and Pallithamam ground is used only for burying biodegradable waste. The 3rd respondent, Thiruvambadi Devaswom, has filed a reply denying the allegation raised by the petitioner that burying of biodegradable waste creates any water pollution in the nearby well and the petitioner has not cared to enquire about the same by making any scientific enquiry. Further, Thrissur Corporation is also responsible for disposal of waste. This reply is marked as Annexure O2.

4. The Manager, Wadakkumnathan Devaswom has filed a statement wherein it is stated that the waste disposal pursuant to the Thrissur Pooram festival is the responsibility of the Thrissur Municipal Corporation and due to paucity of space and non availability of alternate land for disposing elephant dung and other biodegradable waste, they are burying the same by digging deep pits in Pallithamam. Further, Thrissur Pooram festival is being conducted under



the responsibility of Paramekkavu and Thiruvambadi Devaswoms. Moreover, cleaning of Wadakkumnathan Kshethra Maidanam is the responsibility of Thrissur Corporation and hence whatever waste is produced in connection with Thrissur Pooram festival is also to be cleared and disposed of by the Corporation.

5. The Thrissur Corporation, in their statement filed on 24.8.2022, has stated that now Thekkinkadu Maidanam is being cleaned by Sevanasree V Group which consists of 25 ladies, which is under the Kudumbasree CDS and the waste is disposed of in a very scientific manner, that an amount of Rs.3,37,500/- is transferred by the Kerala Tourism Promotion Council to the account of Kudumbasree Mission, Thrissur District and every month necessary fund is being transferred to the account of Sevarasree V Group and the Corporation is not receiving any amount from the Government. There is no separate facility for disposing the waste accumulated during Thrissur Pooram festival. It is in such circumstances, in order to help the Devaswom Board, that the Board is permitted to dispose the biodegradable waste in Pallithamam ground.

6. In the factual situation as stated above and in the absence of any specific arrangements for disposal of the waste accumulated during Pooram festival, it is for the Honourable High Court to give appropriate direction to Thrissur Municipal Corporation and the Government of Kerala to make necessary arrangements as this is a public festival where large number of public are participating and enjoying the festival. Further, the main participants of the festival are Paramekkavu and Thiruvambadi Devaswoms. In such circumstances, the Cochin Devasworn Board cannot be mulcted with the liability



of cleaning Thrissur Pooram ground after the festival or to meet any expenditure in this regard. However, whether the Government of Kerala and Thrissur Municipality should be given any such direction for proper disposal of the waste accumulated during Pooram festival does not come in the advisory jurisdiction of the Ombudsman and hence the matter is referred to the Honourable High Court for appropriate orders.”

2. On 24.01.2023, when this DBP came up for consideration, it was ordered to be listed along with DBP No.40 of 2022. The learned Standing Counsel for Cochin Devaswom Board and the learned Standing Counsel for Thrissur Municipal Corporation were directed to get instructions. Registry was directed to issue notice to the complainant, intimating the next posting date.

3. By the order dated 26.07.2023 in DBP No.32 of 2023 Cochin Devaswom Board and Thrissur Municipal Corporation are directed to ensure that the entire 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. By another order dated 26.07.2023 in DBP No.35 of 2023, in addition to the directions contained in the order in DBP No.32 of 2023, it is ordered that the directions contained in the common judgment 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 Thekkinkadu Maidan, which is a Devaswom property. No part of Thekkinkadu 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 Cochin Devaswom Board shall deploy sufficient number of security staff for watch and ward duty in Thekkinkadu Maidan. The Circle Inspector of Police, Town East Police Station, Thrissur was directed to have 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. DBP No.35 of 2023 is one registered based on Report No.13 of 2023 of the learned Ombudsman in Complaint No.136A of 2022 made by the petitioner herein.

4. DBP No.83 of 2023 registered based on Report No.31 of the learned Ombudsman in Complaint No.105 of 2023 made by the



petitioner herein, raising allegations relating to untoward incidents which occurred on Pooram day of 2023 in Sree Vadakkumnathan Temple was disposed of by the order dated 18.12.2023 taking note of the directions contained in the aforesaid orders of this Court dated 26.07.2023 in DBP No.32 of 2023 and DBP No.35 of 2023 in relation to Thekkinkadu Maidan. In addition to the aforesaid directions relating to Thekkinkadu Maidan, this Court directed the Cochin Devaswom Board and its officials to prevent the entry of youth and others wearing footwear in the temple premises of Sree Vadakkumnathan Temple. It is pertinent to note that, in view of the provisions under Rule 4 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, no person shall enter a place of public worship with any footwear. Paragraphs 14 and 15 of the order dated 18.12.2023 in DBP No.83 of 2023 read thus;

“14. 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 sanc-tum 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 comple-



ment 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.

15. 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. The entry of youths and others wearing footwear cannot be permitted in the premises of Sree Vadakumnathan Temple. It is for the Cochin Devaswom Board and its officials to ensure that the daily worship and ceremonies and all the festivals in Sree Vadakumnathan Temple are conducted according to the usage. The entry of youths and others wearing footwear in the temple premises shall not be permitted. Every worshiper who shows reverence and adoration for the deity Sree Vadakumnathan has to exercise his right of worship in an accustomed manner and subject to the practice and tradition in Sree Vadakumnathan Temple."

Having considered the submissions made at the Bar, this DBP is disposed of in terms of the directions already issued in the order dated 26.07.2023 in DBP No.32 of 2023 and DBP No.35 of 2023 and also in the order dated 18.12.2023 in DBP No.83 of 2023. The directions contained in those orders shall be complied with in letter and spirit by all concerned. The Cochin Devaswom Board is directed to file a DBA, with the Thiruvambady Devaswom, Paramekkavu Devaswom, Thrissur Pooram Exhibition Committee and Thrissur



Municipal Corporation in the party, seeking specific directions regarding solid waste management in Thekkinkadu Maidan, during Thrissur Pooram of the year 1199 ME (2024).

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

G. GIRISH, JUDGE

vgd



APPENDIX OF DBP 3/2023

PETITIONER'S ANNEXURES

ANNEXURE C1

**TRUE COPY OF THE ORDER NO. R-11420/12
DATED 19.04.2013 ISSUED BY THE COCHIN
DEVASWOM BOARD**