



2023/KER/43703

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 21ST DAY OF JULY 2023 / 30TH ASHADHA, 1945

DBP NO.65 OF 2023

IN THE MATTER OF 'NAALAMBALA DARSHAN' - SUO MOTU
PROCEEDINGS INITIATED BASED ON A NEWS REPORT APPEARED IN
MALAYALA MANORAMA DAILY DATED 13.07.2023

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM 695
001
- 2 THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, DEVASWOM
HEADQUARTERS, NANTHANCOD, KAWDIAR POST,
THIRUVANANTHAPURAM 695 003
- 3 COCHIN DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, COCHIN DEVASWOM
BOARD HEADQUARTERS, SWARAJ ROUND WEST, THRISSUR
DISTRICT 680001
- 4 EXECUTIVE OFFICER,
THRIPRAYAR SREE RAMASWAMI TEMPLE, TEMPLE ROAD,
VALAPAD P.O., THRIPRAYAR, THRISSUR DISTRICT
680567



- 5 EXECUTIVE OFFICER,
SREE KODALMANIKYAM TEMPLE, KODALMANIKYAM
DEVASWOM, IRINJALAKUDA, THRISSUR DISTRICT,
680121
- 6 EXECUTIVE OFFICER,
SREE LAKSHMANA TEMPLE, THIRUMOOZHICKULAM,
MOOZHICKULAM, KURUMASSERI, ERNAKULAM DISTRICT
683579
- 7 EXECUTIVE OFFICER,
SREE SHATHRUGHNA TEMPLE, PAYAMMAL, SHATRUGHNA
NAGAR, PAYAMMAL ROAD, ARIPALAM P.O., THRISSUR
DISTRICT-680688

BY ADV P.N.DAMODARAN NAMBOODIRI

OTHER PRESENT:

SRI S.RAJMOHAN - SR GOVERNMENT PLEADER

SRI K.P. SUDHEER - STANDING COUNSEL- COCHIN
DEVASWOM BOARD

SRI G.BIJU -STANDING COUNSEL - TRAVANCORE
DEVASWOM BOARD

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR
ADMISSION ON 21.07.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



"CR"

ORDER**Anil K. Narendran, J.**

This DBP is registered *suo motu*, vide proceedings dated 14.07.2023, based on a news report that appeared in Malayala Manorama daily dated 13.07.2023 in connection with 'Naalambala Darshanam' of the year 2023. In connection with 'Naalambala Darshanam' of the year 2022, this Court issued various directions in the judgment dated 01.11.2022 in W.P.(C) No.25929 of 2022. Paragraphs 18 and 19 of the said judgment read thus;

"18. In view of the provisions under the Travancore-Cochin Hindu Religious Charitable Endowments Act, referred to hereinbefore, the Travancore Devaswom Board and the Cochin Devaswom Board and [in view of the provisions under the Koodalmanikyam Devaswom Act referred to hereinbefore], the Koodalmanikyam Devaswom, in discharge of their statutory duty, have to see that regular traditional rites and ceremonies, according to the practice prevalent in the religious institutions under its management are performed promptly and they have to establish and maintain proper facilities for the devotees in the temples under their management. They have to manage the properties of the respective Devaswoms and arrange for the conduct of daily worship and ceremonies and of the festivals in every temple under its management, according to its usage. Insofar as Sree Shathrughnan Temple, Payammal is concerned, the



conduct of daily worship and ceremonies and of the festivals in that temple have to be conducted according to its usage, by those who are in the management of that temple. Therefore, based on any decision taken in the meeting of co-ordination committee, a preferential treatment in those temples for the devotees who avail Pilgrim Tourism Packages of KSRTC cannot be introduced, during 'Nalambala Darshanam'.

19. In the above circumstances, we deem it appropriate to dispose of this writ petition, by making the interim order dated 12.08.2022 absolute, by holding that the provision of a separate queue for the devotees in Thriprayar Sree Ramaswami Temple, Sree Koodalmanikyam Temple, Thirumoozhikkulam Sree Lakshmana Temple and Payammal Sree Shathrugnan Temple, who avail the Pilgrim Tourism Packages of KSRTC for 'Nalambala Darshanam', is *per se* arbitrary and illegal, which cannot be permitted to continue. Therefore, all the devotees have to follow the queue system in the temples for 'Nalambala Darshanam'. However, a separate queue has to be provided for senior citizens, differently-abled and mentally challenged persons and such other special categories of persons, who require special attention and care."

2. On 14.07.2023, when this DBP came up for consideration, the respective Standing Counsel for Travancore Devaswom Board, Cochin Devaswom Board and Koodalmanikyam Devaswom sought time to get instructions. The learned Senior Government Pleader was directed to get instructions from the



DBP No.65 of 2023

District Administration and also the District Police on the arrangements already made in connection with 'Naalambala darshanam'. In the order dated 14.07.2023, this Court made it clear that, in terms of the statutory provisions referred to in the judgment dated 01.11.2022 in W.P.(C)No.25929 of 2022, it is for the Cochin Devaswom Board, Travancore Devaswom Board and Koodalmanikyam Devaswom to ensure that proper facilities are provided to all the devotees in the respective temples for 'Naalambala Darshanam'.

3. Heard the learned Senior Government Pleader for the 1st respondent State, the learned Standing Counsel for Travancore Devaswom Board for respondents 2 and 6, the learned Standing Counsel for Cochin Devaswom Board for respondents 3 and 4, the learned Senior Counsel for Koodalmanikyam Devaswom for the 5th respondent and also the learned counsel for the 7th respondent Executive Officer of Sree Shathrugghna Temple, Payammal.

4. Travancore-Cochin Hindu Religious Institutions Act, 1950 enacted by the State Legislature makes provision for the administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds. As per sub-section (3) of Section 1 of the



Act, substituted by the Kerala Adaptation of Laws Order, 1956, Part I of the Act shall extend to Travancore, Part II of the Act shall extend to Cochin and Part III of the Act shall extend to the whole of the State of Kerala, excluding the Malabar District.

5. Chapter II of the Act deals with the Travancore Devaswom. As per Section 3, the administration of incorporated and unincorporated Devaswoms and of Hindu Religious Endowments and all their properties and funds as well as the fund constituted under the Devaswom Proclamation, 1097 ME and the surplus fund constituted under the Devaswom (Amendment) Proclamation, 1122 ME which were under the management of the Ruler of Travancore prior to the first day of July, 1949, except the Sree Padmanabhaswamy Temple, Sree Pandaravaka properties and all other properties and funds of the said temple, and the management of all institutions which were under the Devaswom Department shall vest in the Travancore Devaswom Board. As per sub-section (2) of Section 4, the Board shall be a body corporate having perpetual succession and a common seal with power to hold and acquire properties for and on behalf of the incorporated and unincorporated Devaswoms and Hindu Religious Institutions and Endowments under the management of the Board.



6. As per sub-section (1) of Section 15 of the Act, subject to the provisions of Chapter III of Part I, all rights, authority and jurisdiction belonging to or exercised by the Ruler of Travancore prior to the first day of July, 1949, in respect of Devaswoms and Hindu Religious Endowments shall vest in and be exercised by the Board in accordance with the provisions of this Act. As per sub-section (2) of Section 15, the Board shall exercise all powers of direction, control and supervision over the incorporated and unincorporated Devaswoms and Hindu Religious Endowments under their jurisdiction. As per Section 15A, it shall be the duty of the Board to perform the following functions, namely, (i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly; (ii) to monitor whether the administrative officials 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 the temples for the devotees.

7. 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.

8. 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.

9. 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.

10. In view of the provisions under Section 3 of Koodalmanikyam Devaswom Act, 2005 the administration, control and management of Koodalmanikyam Temple at Irinjalakuda, its properties and endowments and the subordinate temples attached



thereto shall be vested in Koodalmanikyam Devaswom Managing Committee, which shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued, through the Administrator. Section 10 of the Act deals with duties of the Committee. As per Section 10, subject to the provisions of the Act and the rules made thereunder, it shall be the duty of the Committee, (a) subject to the custom and usage in the Temple, to arrange for the proper performance of the rites and ceremonies in the Temple and the subordinate temples attached thereto in accordance with the pathivu or scale of expenditure fixed for the Temple and the subordinate temples under Section 20 or, till the pathivu or scale of expenditure is fixed under that section in accordance with the pathivu or scale of expenditure specified in Schedule 1 of the Koodalmanikyam Devaswom Act, 1971; (b) to provide facilities to the worshippers for the proper performance of worship; (c) to ensure the safe custody of the funds, valuable securities and jewellery and the preservation and management of the properties vested in the Temple; (d) to ensure maintenance of order and discipline and proper hygienic conditions in the temple and the subordinate temples attached thereto and to maintain the proper standard of cleanliness and purity in the offerings performed



within the temple; (e) to ensure that the funds of the endowments of the Temple are spent according to the known wishes of the donors; (f) to make provisions for the payment of suitable emoluments to the salaried staff of the Devaswom; (g) to do all such things as may be incidental and conducive to the efficient management of the affairs of the Devaswom and for the facilities of the worshippers.

11. Out of the four temples in 'Nalambala Darshanam', Thirumoozhikkulam Sree Lakshmana Temple is under the management of 2nd respondent Travancore Devaswom Board, Thriprayar Sree Ramaswami Temple is under the management of 3rd respondent Cochin Devaswom Board, Sree Koodalmanikyam Temple is under the management of Sree Koodalmanikyam Devaswom, and Sree Shathrughnan Temple, Payammal is a private temple which is stated to have been managed by a Trust. The 4th respondent is the Executive Officer of Thriprayar Sree Ramaswami Temple, the 5th respondent is the Executive Officer of Sree Koodalmanikyam Temple, the 6th respondent is the Executive Officer of Thirumoozhikkulam Sree Lakshmana Temple and the 7th respondent is the Executive Officer of Sree Shathrughnan Temple, Payammal.



12. In view of the provisions under the Travancore-Cochin Hindu Religious Charitable Endowments Act referred to hereinbefore, the Travancore Devaswom Board and the Cochin Devaswom Board and in view of the provisions under the Koodalmanikyam Devaswom Act referred to hereinbefore, the Koodalmanikyam Devaswom, in discharge of their statutory duty, have to see that regular traditional rites and ceremonies, according to the practice prevalent in the religious institutions under its management are performed promptly. They have to establish and maintain proper facilities for the devotees in the temples under their management, during 'Nalambala Darshanam'. They have to manage the properties of the respective Devaswoms and arrange for the conduct of daily worship and ceremonies and of the festivals in the temple under its management, according to its usage. Similarly, those who are in the management of Sree Shathrughnan Temple, Payammal have to arrange for the conduct of daily worship and ceremonies and of the festivals in that temple, according to its usage. They have to establish and maintain proper facilities for the devotees in Sree Shathrughnan Temple, Payammal, during 'Nalambala Darshanam'.

13. On 19.07.2032, when this matter came up for



consideration, the learned Standing Counsel for Travancore Devaswom Board submitted that proper facilities have been provided in Sree Lakshmana Temple, Moozhikkulam for 'Naalambala Darshanam', by providing separate queue for aged and sick persons, drinking water facility, Annadhanam and toilet facilities. Sufficient numbers of ticket counters and Vazhipadu counters are provided, so that, the devotees can perform 'Vazhipadu' without any delay. Due to huge inflow of devotees for darshan, the timing of darshan is rescheduled. On weekdays the timing of darshan is from 5.00 a.m. to 1.00 p.m. and then from 4.00 p.m. to 9.00 p.m. On Saturday and Sunday, the timing of darshan is from 4.00 a.m. to 3.00 p.m. and then from 4.00 p.m. to 10.00 p.m., in order to avoid rush. The learned Standing Counsel for Cochin Devaswom Board submitted that proper facilities have been provided in Thriprayar Sree Ramaswami Temple in connection with 'Naalambala Darshanam', by providing separate queue for aged and sick persons, drinking water facility, Annadhanam and toilet facilities. In addition to this, sufficient numbers of ticket counters and Vazhipadu counters are provided, so that, the devotees can perform 'Vazhipadu' without any delay. The learned Senior Counsel for Koodalmanikyam Devaswom submitted that



proper facilities have been provided in Koodalmanikyam Temple for 'Naalambala Darshanam', by providing separate queue for aged and sick persons, drinking water facility and toilet facilities. Arrangements have already been made to ensure that the devotees can perform 'Vazhipadu' without any delay. The learned Senior Government Pleader submitted that the District Administration and also the District Police have already made necessary arrangements for crowd management and maintenance of law and order in connection with 'Naalambala Darshanam'. Medical teams under the District Medical Officer, Ernakulam and District Medical Officer, Thrissur are rendering medical support to the devotees. Fire and Rescue teams and revenue officials have also been deployed in connection with 'Naalamabala Darshanam'.

14. Today, when this matter is taken up for consideration, the learned counsel who entered appearance for the 7th respondent Executive Officer would submit that necessary arrangements have already been made in Sree Shathrughna Temple, Payammal for comfortable darshan of the devotees during 'Naalamabala Darshanam'. A separate queue has been provided for aged and sick persons and the devotees are also provided with Annadhanam.

15. Having considered the submissions made at the Bar, this



DBP is disposed of by directing Cochin Devaswom Board, Travancore Devaswom Board and Koodalmanikyam Devaswom to provide proper facilities for the devotees in the temples under their management, during 'Nalambala Darshanam', by providing separate queue for aged and sick persons, drinking water facility, toilet facility, etc. Sufficient numbers of ticket counters and Vazhipadu counters shall also be provided in the respective temples, so that, the devotees can perform 'Vazhipadu' without any delay.

16. The submission made by the learned counsel for the 7th respondent Executive Officer that necessary arrangements have already been made in Sree Shathrughna Temple, Payammal for comfortable darshan of the devotees during 'Naalamabala Darshanam', by providing separate queue for aged and sick persons and also Annadhanam, is recorded.

17. The submission of the learned Senior Government Pleader that the District Administration and also the District Police have already made necessary arrangements for crowd management and maintenance of law and order in connection with 'Naalambala Darshanam'; and that Medical teams under the District Medical Officer, Ernakulam and the District Medical Officer, Thrissur are rendering medical support to the devotees; and that Fire and



DBP No.65 of 2023

Rescue teams and revenue officials have also been deployed in connection with 'Naalamabala Darshanam', is also recorded.

The directions contained in the judgment dated 01.11.2022 in W.P.(C)No.25929 of 2022 and that contained in this order shall be complied with by all concerned during 'Naalamabala Darshanam' in the coming years as well.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

MIN