



2024/KER/2368

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR.JUSTICE G. GIRISH

FRIDAY, THE 12TH DAY OF JANUARY 2024 / 22ND POU SHA, 1945

SSCR NO.7 OF 2024

*(TRAVANCORE DEVASWOM BOARD - SABARIMALA SREE DHARMA SASTHA
TEMPLE - SM REPORT NO. 7/2024 - REGARDING THE FIRE INCIDENT
FROM LEAKING GAS CYLINDER AT THE ARYA BHAVAN HOTEL AT
SANNIDHANAM AND PREVENTIVE MEASURES TO BE TAKEN IN FUTURE)*

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, 695001
- 2 DIRECTOR GENERAL
KERALA FIRE & RESCUE SERVICES HEADQUARTERS,
FIRE FORCE JUNCTION, PULIMOODU P.O.,
THIRUVANANTHAPURAM- 695001
- 3 SPECIAL OFFICER
FIRE AND RESCUE SERVICES (DISTRICT FIRE OFFICER,
PATHANAMTHITTA), SANNIDHANAM, SABARIMALA,
PATHANAMTHITTA, PIN - 689713



- 4 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY , NANTHANCODE ,
KAWDIAR POST, THIRUVANANTHAPURAM- 695 003

- 5 DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS,
NANTHANCODE, THIRUVANANTHAPURAM, PIN-695005

- 6 EXECUTIVE OFFICER
SABARIMALA, SABARIMALA P.O.,
PATHANAMTHITTA- 689662

SRI S.RAJMOHAN - SR.GOVERNMENT PLEADER ;
SRI G.BIJU -STANDING COUNSEL- TRAVANCORE DEVASWOM
BOARD ; SRI N.RAGHURAJ - AMICUS CURIAE FOR SPL.
COMMISSIONER, SABARIMALA

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME
UP FOR ADMISSION ON 12.01.2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

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

The Special Commissioner, Sabarimala has filed this report, regarding a fire occurred at 7.15 p.m. on 06.01.2024 at Sannidhanam, due to leakage of gas cylinder used for cooking food in the front portion of Arya Bhavan Hotel at Sannidhanam. In the report, it is stated that due to timely intervention of Fire and Rescue Services, the fire was extinguished and a disaster was averted. The Special Commissioner called for a report from the 3rd respondent-Special Officer, Fire and Rescue Services at Sannidhanam. A copy of the report is placed on record as Annexure-I.

2. As per Annexure-I report of the Special Officer, the gas cylinder which was on fire was lying horizontally. It was being used for cooking food in front of the Hotel. Gas cylinders lying down at that place were also found leaking. The incident occurred very close to the barricade where the devotees were standing in the queue. In the report, the Special Officer has pointed out the absence of a competent staff of the hotel or even the Kuthaka holder at the time of the incident.

3. Heard the learned Senior Government Pleader for respondents 1 to 3, the learned Standing Counsel for Travancore Devaswom Board for respondents 4 to 6 and also the learned Amicus



Curiae for Special Commissioner, Sabarimala.

4. The learned Standing Counsel for Travancore Devaswom Board would submit that, as stated in the report filed by the Special Commissioner, Sabarimala, there is a prohibition, whereby the Kuthaka holders conducting hotels and light refreshment stalls at Sabarimala cannot keep more than five gas cylinders inside their establishment, at a time. In the report of the Special Officer, it is stated that in addition to the gas cylinder which caught fire, six gas cylinders were seen in the hotel in question.

5. The learned Senior Government Pleader would submit that the 3rd respondent-Special Officer, Fire and Rescue Services, Sannidhanam, will issue notice to the Kuthaka holder, with copy to the 6th respondent-Executive Officer. The learned Standing Counsel for Travancore Devaswom Board would submit that on receipt of a report from the 3rd respondent, pointing out violations, the 6th respondent-Executive Officer shall take necessary action, as per the terms and conditions which form part of the e-tender notification issued for auctioning Kuthaka rights in Sabarimala Devaswom for the year 1199 M.E. (2023-24).

6. In paragraph No.6 of the report, the Special Commissioner, Sabarimala has pointed out the suggestions made by the 3rd respondent-Special Officer, which read thus;



“6. The Special Officer, Fire and Rescue Services, Sannidhanam has suggested safety protocol to be followed in hotels at Sannidhanam as follows:-

- (i) To avoid keeping more than the specified number of cylinders in hotels.
- (ii) Cooking of food has to be done only in a safe place of the hotel and not close to the pathway of the devotees.
- (iii) Instead of using individual cylinders for each stove to connect the cylinders as a set in a series/master block and use control valve.
- (iv) An employee who is conversant with the control valve of the cylinders should be present at the hotel.
- (v) Sufficient number of extinguishers must be kept ready at the establishment.
- (vi) Every day the cylinders and valves have to be checked.
- (vii) A competent technician capable of inspecting the safety of gas cylinders should be present at Sabarimala Sannidhanam.”

7. Having considered the submissions made at the Bar, we deem it appropriate to direct the 3rd respondent-Special Officer, Fire and Rescue Services, Sannidhanam, to issue an Advisory, in terms of the suggestions referred to hereinbefore and communicate the same to the 5th respondent-Devaswom Commissioner and the 6th respondent-Executive Officer, who shall take necessary steps to ensure strict compliance of the same by all Kuthaka holders at Sabarimala. Any violation shall be dealt with appropriately, by initiating stern action in terms of the tender condition, including



termination of Kuthaka right and initiation of prosecution under the relevant statutory provision.

8. The 3rd respondent-Special Officer, who is in the rank of District Fire Officer, Pathanamthitta, shall conduct a fire audit in the hotels and other establishments at Sannidhanam, Pamba and Nilakkal, at the earliest, through the concerned officers. The report on fire audit shall be submitted to the Special Commissioner, Sabarimala.

With the above directions, this SSCR is disposed of.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

G. GIRISH, JUDGE

vgd



APPENDIX OF SSCR NO.7 OF 2024

PETITIONER'S EXHIBITS

ANNEXURE-I

COPY OF THE REPORT OF THE SPECIAL
COMMISSIONER, SABARIMALA DATED 10.01.2024