

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Wednesday, the 24th day of May 2023 / 3rd Jyaishta, 1945
SSCR NO. 14 OF 2023

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER REPORT - SM.NO.14/2023 - REPORT SUBMITTED BY THE SPECIAL COMMISSIONER, SABARIMALA REGARDING THE CRIMINAL TRESPASS OF UNAUTHORIZED PERSONS INTO THE SACRED 'PONNAMBALAMEDU' FORMING PART OF THE CORE ZONE OF PERIYAR RESERVE -SUO MOTU PROCEEDINGS INITIATED - REG.

PETITIONER:

SUO MOTU

RESPONDENTS:

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY (MOEFCC), MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN,
JORBAGH ROAD, NEW DELHI - 110 003
2. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001
3. STATE POLICE CHIEF,
POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM - 695 010
4. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM - 695 003
5. THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,
THIRUVANANTHAPURAM, PIN - 695 005

6. THE EXECUTIVE OFFICER,
SABARIMALA, TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM-695 003
7. CHIEF VIGILANCE SECURITY OFFICER
(SUPERINTENDENT OF POLICE - VIGILANCE),
TRAVANCORE DEVASWOM HEAD QUARTERS, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM - 695003
8. PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
THIRUVANANTHAPURAM - 695014
9. DEPUTY DIRECTOR,
PERIYAR WEST DIVISION, PEERUMEDU, IDUKKI - 685531
*ADDITIONAL R10 & R11 IMPLEADED
10. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA, PIN - 689645
11. THE STATION HOUSE OFFICER,
MOOZHIYAR POLICE STATION, MOOZHIYAR, PATHANAMTHITTA DISTRICT,
PIN- 689662
*ARE SUO MOTU IMPLEADED AS THE ADDITIONAL RESPONDENTS 10 AND 11
VIDE ORDER DATED 22/05/2023 IN SSCR 14/2023.

BY SRI.S.MANU, DEPUTY SOLICITOR GENERAL OF INDIA
BY SRI.S.RAJMOHAN, SR.GOVERNMENT PLEADER
BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD
BY SRI.N.RAGHURAJ, AMICUS CURIAE FOR SABARIMALA SPECIAL
COMMISSIONER

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ORDERS AGAIN ON 24.05.2023, UPON PERUSING THE REPORT AND THIS COURT'S
ORDER DATED 22/05/2023, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

SSCR No.14 of 2023

Dated this the 24th day of May, 2023

ORDER

Anil K. Narendran, J.

The report filed by the Special Commissioner, Sabarimala is regarding criminal trespass of certain unauthorized persons into the sacred 'Kalthara' of Ponnambalamedu, which is inside the core area of Periyar Tiger Reserve, West Division, a wildlife sanctuary, coming within the Pamba Range of Pachakkanam Forest Station.

2. On 22.05.2023, when this report came up for consideration, the matter was ordered to be listed today for the learned Senior Government Pleader, the learned Standing Counsel for Travancore Devaswom Board and the learned Deputy Solicitor General of India to get instructions.

3. Today, when this matter is taken up for consideration, the learned Senior Government Pleader, on written instructions, from the additional 10th respondent Deputy Police Chief, Pathanamthitta would submit that the 5th respondent Commissioner, Travancore Devaswom Board lodged a complaint before the 3rd respondent State Police Chief, which was transferred to Moozhiyar Police Station, through the Deputy Superintendent of Police, Konni, for legal action. Accordingly, Crime No.127 of 2023 in Moozhiyar Police Station has been registered on 16.05.2023, under Section 295, 295A, 447 and 34 of the Indian Penal Code.

4. The learned Central Government Counsel seeks further time to get instructions from the 1st respondent Ministry of Environment, Forest and Climate Change on the issues involved in this report.

5. The learned Senior Government Pleader would point out that in view of the notification issued under Section 83(1) of the Kerala Police Act, 2011, Sabarimala and its vicinity are declared as Special Security Zone. Ponnambalamedu falls in the Special Security Zone. Access to Ponnambalamedu has been restricted and the same is even accessible to Devaswom officials only for lighting Makaravilakku, that too under the bandobast of the Kerala Police and surveillance of the Forest officials.

6. The learned Standing Counsel for Travancore Devaswom Board would point out a report dated 23.05.2023 of the Chief Vigilance Officer (Superintendent of Police), addressed to the 5th respondent Devaswom Commissioner, wherein it is stated the Sri.Narayanan Swami, who allegedly trespassed into the Ponnambalamedu, was seen wandering in Sannidhanam during the Mandala Makaravilakku festival season of 2017. When he was called to the office of the Vigilance Wing, he was holding an expired temporary identity card issued by the Travancore Devaswom Board, which was taken into custody. Though the Chief Vigilance Officer conducted enquiry regarding issuance of identity card to Sri.Narayanan Swami, no documents could be traced out.

7. The learned Special Government Pleader (Forest) would submit that O.R.No.1 of 2023 under Sections 27 and 51 of the Wildlife Protection Act and Section 27(1)(e)(iv) of the Kerala Forest Act has already been registered at Pachakkanam Forest Station, against Narayana Swami and his accomplices for intruding into Ponnambalamedu for conducting the pooja. Three persons have already been arrested. One among them is a Supervisor and another a worker of the Kerala Forest Development Corporation. At various places around Ponnambalamedu, camera trapes are being erected occasionally by the 9th respondent Deputy Director.

8. Having considered the materials on record and also the submissions made at the Bar, we deem it appropriate to direct the 9th respondent Deputy Director, Periyar West Division to prevent unauthorised entry of anyone near Ponnambalamedu area, which is a sacred and divine place which is much revered by millions of Lord Ayyappa devotees who come to Sabarimala to witness Makarajyothi. No employee of the Kerala Forest Development Corporation shall be deployed for any purpose, in and around Ponnambalamedu area. A real time monitoring system near Ponnambalamedu shall be implemented around Ponnambalamedu by the 9th respondent Deputy Director, after considering its technical feasibility, and a decision in this regard shall be taken within a period of one week.

9. The 10th respondent District Police chief, who is monitoring the investigation conducted by the additional 11th

respondent Station House Officer in Crime No.127 of 2023 shall file an affidavit explaining the progress of the investigation. The 9th respondent Deputy Director shall also file an affidavit stating the measures that can be taken to prevent unauthorised entry of persons to Ponnambalamedu area. The affidavits of the said respondents shall be placed on record within ten days.

List on 13.06.2023.

Sd/-
ANIL K. NARENDRAN, JUDGE

Sd/-
P.G. AJITHKUMAR, JUDGE

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