

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

**Thursday, the 14th day of December 2023 / 23rd Agrahayana, 1945
SSCR NO. 41 OF 2023**

ORDER

**IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT-SM.NO.41/2023-REPORT SUBMITTED BY THE SPECIAL COMMISSIONER, SABARIMLA
REGARDING CERTAIN ASPECTS CONCERNING CROWD MANAGEMENT WITH REFERENCE TO THE
DEFICIENCY IN THE FASTAG PARKING FEES COLLECTION POINT AND VEHICLE PARKING AT
NILAKKAL AND DEPLOYMENT OF PERSONNEL AT PARKING GROUNDS TO ARRANGE PARKING OF
VEHICLES-SUO MOTU PROCEEDINGS INITIATED- REG.**

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**
- 2. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM, PIN - 695003**
- 3. THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCODE,
THIRUVANANTHAPURAM, PIN - 695005**
- 4. THE EXECUTIVE OFFICER, SABARIMALA,
PAMPA TRIVENI P.O., PATHANAMTHITTA, PIN - 689669**

***ADDITIONAL R5 TO R7 IMPLEADED**

- 5. THE DISTRICT POLICE CHIEF,
PATHANAMTHITTA**
- 6. THE DISTRICT COLLECTOR, PATHANAMTHITTA**
- 7. THE ICICI BANK,
T.K.ROAD, ABAN ARCADE, PATHANAMTHITTA, KERALA-689645,
REPRESENTED BY ITS AUTHORIZED OFFICER**

***ARE SUO MOTU IMPLEADED AS ADDITIONAL
RESPONDENTS 5 TO 7 VIDE ORDER
DATED 04/12/2023 IN SSCR 41/2023**

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 ALONG WITH CONNECTED
CASES HAVING COME UP FOR ORDERS AGAIN ON 14.12.2023, UPON PERUSING THE
REPORT AND THIS COURT'S ORDER 1 DATED 14/12/2023 AND ORDER NO 1, 2 AND
3 DATED 13/12/2023 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



ANIL K. NARENDRAN & G. GIRISH, JJ.

SSCR Nos.29, 36, 41 and 42 of 2023

**Dated this the 14th day of December, 2023
(3.00 p.m.)**

ORDER

Anil K. Narendran, J.

When the above reports were taken up for consideration today at 10.15 a.m., this Court issued various directions and ordered the matters to be listed at 3.00 p.m. for further consideration.

2. The learned Senior Government Pleader, on instructions, would submit that crowd management at Sabarimala is under control. Out of 11 places identified by the Regional Transport Officer (Enforcement), Pathanamthitta for parking vehicles carrying Sabarimala pilgrims, when the movement of pilgrims from Nilakkal is restricted by 'hold and release' mechanism, 7 places are found suitable, in the inspection conducted by the police. The District Police Chief, Pathanamthitta has filed a report dated 13.12.2023 furnishing the particulars of those places, which are extracted hereunder;

PLACES BETWEEN VADASSERIKARA AND LAHA IN PATHANAMTHITTA DISTRICT

SL.NO.	FROM	TO	LENGTH OF STRETCH	AVAILABLE PARKING PLACE	HMV/LMV

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1	BSNL-LAHA	LAHA FOREST STATION	1.3 KMS	ROAD MARGIN	10 HMV & 15 LMV
2	MANUJALA HOTEL	AMMAN KOVIL/HARRISON	0.8 KMS	1. AMMANKOVIL TEMPLE AREA	10 HMV & 15 LMV
3	PUTHUKKADA	VAYARANMARUTHY JN.	2 KMS	1. KOONAMKARA EDATHAVARAM AND 2. CARMEL ENGINEERING COLLEGE ROAD	1. 8 HMV & 10 LMV 2. 6 HMV & 10 LMV
4	VAYARANMARUTHY JN.	PERINADU	2 KMS	NIL	
5	PERINADU	POOVATHUMOODU BRIDGE	2 KMS	YOGAMAYA ASHRAMAM	10 HMV & 10 LMV
6	POOVATHUMOODU BRIDGE	VADASSERIKKARA	5.2 KMS	1. POOVATHUMOODU PANCHAYATH GROUND 2. MADAMONRISHIKESHA TEMPLE 3. NEAR MUNDAPLACKAL PADI	1. 5 LMV 2. 5 LMV 3. 8 HMV
TOTAL NO. OF VEHICLES IDENTIFIED FOR PARKING - HMV - 52 AND LMV - 70					

PLACES FROM KANAMALA IN ERUMELI IN KOTTAYAM DISTRICT

SL.N O.	FROM	TO	LENGTH OF STRETCH	AVAILABLE PARKING PLACES	HMV/LMV
1	CHEMPAKKARA	THOOMKUZHIPADI	1 KMS	NIL	
2	MES	THIRUVAMPADI TEMPLE	2 KMS	1. MES GROUND 2. HOTEL ARYAS NEAR AZIZI HOSPITAL 3. THIRUMPADI TEMPLE GROUND	1. LMV-150 VEHICLES 2. HMV-15 3. LMV-100
3	35 TH MILE	MUTTAPPALY	1.5 KMS	RTD.SI NOUSHAD GROUND	LMV-50 VEHICLES
4	MUTTAPPALY	KUTTAPPAYIPPADI	1.5 KMS	NIL	
5	KUTTAPPAYIPPA DI	CHEENIMARAM	2 KMS	NIL	
TOTAL NO. OF VEHICLES IDENTIFIED FOR PARKING HMV-15 LMV-300					

3. Having considered the submissions made at the Bar, we deem it appropriate to direct the District Police Chief, Pathanamthitta to take necessary steps to hold the vehicles carrying pilgrims, in addition to Sabarimala Edathavalams, at the places identified as above, when the movement of pilgrims from Nilakkal is restricted by 'hold and release' mechanism.

4. The learned Special Government Pleader, on instructions from the Transport Commissioner, would submit that in addition to the existing squads consisting of Enforcement

Officers in the Motor Vehicle Department, additional squads have already been deployed. The details furnished in the report of the Transport Commissioner read thus;

“Existing squads deployed at Sabarimala Safe Zone : 20
Split up of existing squads deployed

Squads	Vehicles
Elavugal-08	13
Erumeli-06	07
Kuttikkanam-06	08
Total 20	28

Additional squads to be deployed Sabarimala Safe Zone-10
Split up of Additional Squads

Squads	Vehicles
Elavugal-04	07
Erumeli-03	04
Kuttikkanam-03	04
Total 10	15

Additional strength of officers to be deployed : 30
Additional strength of Drivers to be deployed : 30”

5. By the order passed today at 10.15 a.m. in SSCR No.36 of 2023, the learned Amicus Curiae for the Special Commissioner, Sabarimala and also the learned Standing Counsel for Erumeli Grama Panchayat were directed to get instructions as to whether excess parking fee is being collected at the parking grounds at Erumeli and whether the price list approved by the District Collector, Kottayam is exhibited in the hotels and restaurants at Erumeli.

6. When the matter is taken up again for consideration at 3.00 p.m., the learned Amicus Curiae has made available for the

perusal of this Court a report dated 14.12.2023 of the Executive Magistrate, Erumeli, addressed to the District Collector, Kottayam, wherein it is stated that the price list is exhibited in almost all the hotels and restaurants. On inspection of the parking grounds at Erumeli, it was noticed that excess parking fee was being collected in a parking ground of the Travancore Devaswom Board. Therefore, a fine of Rs.5,000/- was imposed on the Kuthaka holder. The pilgrims have also made complaints regarding the excess fee collected at the toilet complex.

7. Having considered the submissions made at the Bar, we deem it appropriate to direct the Executive Magistrate, Erumeli to take necessary steps to ensure that there is no exploitation of pilgrims by any Kuthaka holder or persons conducting hotels and restaurants at Erumeli, by collecting excess fee/price.

8. In the report, the Executive Magistrate, Erumeli has stated that private parking grounds at Erumeli are functioning without any licence issued by Erumeli Grama Panchayat. Only six private parking grounds are having licenses issued by the Secretary of the Grama Panchayat.

9. The learned Standing Counsel for Erumeli Grama Panchayat would submit that the Secretary of the Grama

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Panchayath is in the process of issuing notice to those who are conducting parking grounds at Erumeli Grama Panchayat, without obtaining necessary licence.

10. It is for the Secretary of the Grama Panchayat to ensure that there is no collection of excess fees at any parking grounds at Erumeli and that there is no unauthorised parking grounds, without necessary licence issued by the Grama Panchayat.

List these matters tomorrow (15.12.2023) for further consideration.



Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

G. GIRISH, JUDGE

AV/14/12