

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN  
&  
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR  
Thursday, the 14<sup>th</sup> day of July 2022 / 23rd Ashadha, 1944

DBP NO. 34 OF 2022

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SUO MOTU PROCEEDINGS INITIATED  
BASED ON A NEWS ITEM APPEARED IN MATHRUBHUMI DAILY ON 11/07/2022 - REG:

PETITIONER:

SUO MOTU

RESPONDENTS:

1. STATE OF KERALA

REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,  
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695 001.

2. TRAVANCORE DEVASWOM BOARD

REPRESENTED BY ITS SECRETARY, NANTHANCODE, KOWDIAR POST,  
THIRUVANANTHAPURAM - 695 003.

3. DEPUTY DEVASWOM COMMISSIONER

TRAVANCORE DEVASWOM BOARD, HARIPAD, ALAPPUZHA - 690514.

4. THE EXECUTIVE OFFICER (\*CORRECTED)

VALIYA KALAVOOR SREE KRISHNA SWAMI TEMPLE, VALIYA,  
NH 47, PATHIRAPPALLY, KALAVOOR, ALAPPUZHA, KERALA - 688 522.

\*CORRECTED AS

ADMINISTRATIVE OFFICER/SUB GROUP OFFICER

VALIYA KALAVOOR SREE KRISHNA SWAMI TEMPLE, VALIYA

NH 47, PATHIRAPPALLY, KALAVOOR, ALAPPUZHA, KERALA-688 522.

\*CORRECTED AS PER ORDER DATED 14/07/2022 IN DBP 34/2022

5. TEMPLE ADVISORY COMMITTEE

VALIYA KALAVOOR SREE KRISHNA SWAMI TEMPLE, VALIA, NH47,  
PATHIRAPPALLY, KALAVOOR, ALAPPUZHA, KERALA - 688 522.

\*ADDL.RESPONDENTS 6 TO 8 IMPLEADED

6. THE CHIEF ENGINEER,

TRAVANCORE DEVASWOM BOARD, NANTHANCODE, KOWDIAR POST,  
THIRUVNANTHAPURAM-695 003

7. THE EXECUTIVE ENGINEER,

TRAVANCORE DEVASWOM BOARD, OFFICE OF THE EXECUTIVE ENGINEER,  
MAVELIKARA DIVISION-690101

8. ASSISTANT DEVASWOM COMMISSIONER,

TRAVANCORE DEVASWOM BOARD, AMBALAPUZHA GROUP, ALAPPUZHA- 688 561

\*ARE SUO MOTU IMPLEADED AS ADDITIONAL RESPONDENTS 6 TO 8 VIDE  
ORDER

DATED 14/07/2022 IN DBP 34/2022

BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD

BY SR. GOVERNMENT PLEADER

THE DEVASWOM BOARD PETITION HAVING COME UP FOR ADMISSION ON  
14/07/2022, UPON PERUSING THE PETITION, THE COURT ON THE SAME DAY PASSED  
THE FOLLOWING.

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

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**DBP No.34 of 2022**  
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**Dated this the 14<sup>th</sup> day of July, 2022**

**ORDER**

**Anil K. Narendran, J.**

On 11.07.2022, a news item appeared in Mathrubhumi daily that three devotees from a family sustained injury at Valiyakalavoor Temple, Alappuzha, under the management of the Travancore Devaswom Board. Police has registered a crime in connection with the said incident in which a portion of the concrete on the top of the Anakkottil in Valiyakalavoor Temple fell down during the 'choroonu' of their 5 months old baby. The incident happened on 10.07.2022 at 9.30 a.m. By proceedings dated 13.07.2022, Registry was directed to initiate *suo motu* proceedings based on the said news item and to place the matter today before the Devaswom Bench.

2. The Chief Engineer, Travancore Devaswom Board, Nanthancode, Kowdiar Post, Thiruvnanthapuram-695 003; the Executive Engineer, Travancore Devaswom Board, Office of the Executive Engineer, Mavelikara Division-690101; and Assistant Devaswom Commissioner, Travancore Devaswom Board, Ambalapuzha Group, Alappuzha- 688 561 are *suo motu* impleaded

as additional respondents 6 to 8. The description of the 4<sup>th</sup> respondent is corrected as 'Administrative Officer/Sub Group Officer', instead of 'Executive Officer'. Registry to make necessary corrections.

3. Heard the learned Senior Government Pleader and also the learned Standing Counsel for Travancore Devaswom Board.

4. A screenshot of the Anakkottil in Valiyakalavoor Temple, taken from the news item that appeared in visual media, is reproduced hereunder;



5. The learned Standing Counsel for Travancore Devaswom Board, on instructions, would submit that the roof of the Anakkottil has already been removed. The proposal made by the additional 7<sup>th</sup> respondent Executive Engineer for repair and maintenance of the roof of Anakkottil is pending before the additional 6<sup>th</sup> respondent

Chief Engineer. In February 2021, an estimate for Rs.5,47,000/- (based on DSR 2016) was submitted before the Chief Engineer. Thereafter, a revised estimate was submitted for Rs.7,15,000/- (based on DSR 2018). The estimate prepared for demolishing the roof of Anakkottil and for doing tress work and laying tiles is pending sanction.

6. Travancore-Cochin Hindu Religious Institutions Act, 1950 makes provision for the administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds. As per Section 15A of the Act, it shall be the duty of the Board to perform the functions enumerated in clauses (i) to (iv) of Section 15A, which includes duty to see that regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly; and to establish and maintain proper facilities in the temples for the devotees. In view of the provisions under Section 31 of the Act, the Board shall manage the properties and affairs of the Devaswoms, both incorporated and unincorporated and arrange for the conduct of the daily worship and ceremonies and festivals in every temple according to its usage.

7. The provisions under the Travancore-Cochin Hindu Religious Institutions Act make it explicitly clear that the role

assigned to the Travancore Devaswom Board in the administration, supervision and control of incorporated and unincorporated Devaswoms is that of a trustee in the management of the properties vested in the Deity, which is bound to administer, supervise and control incorporated and unincorporated Devaswoms in accordance with the provisions under the said Act. The Board and its officials are duty bound to function within the framework of the statute, by scrupulously following the stipulations contained therein and acting strictly in accordance with the settled legal principles relating to the administration of Hindu religious trust. The Board, being a trustee in the management of Devaswom properties, is legally bound to perform its duties with utmost care and caution.

8. The 5<sup>th</sup> respondent Temple Advisory Committee of Valiyakalavoor Temple, constituted under Section 31A of the Act, consisting of 'persons interested' in the said temple, as defined under clause (d) of Section 2 of the Act, is duty bound to function within the framework of the statute by scrupulously following the stipulations contained therein and acting strictly in accordance with the settled legal principles relating to the administration of Hindu religious trust. The Committee is legally bound to perform its duties with utmost care and caution. The Temple Advisory Committee is duty bound to render necessary assistance to the Travancore

Devaswom Board to perform its functions enumerated in clauses (i) to (iv) of Section 15A, in relation to Valiyakalavoor Temple, which includes duty to see that regular traditional rites and ceremonies according to the practice prevalent in the temple are performed promptly; and to establish and maintain proper facilities in the temple for the devotees.

9. The screenshot of the Anakkottil in Valiyakalavoor Temple, reproduced hereinbefore at paragraph 4, would make it explicitly clear that structure was remaining without proper repair, posing serious threat to the safety of the devotees. The 2<sup>nd</sup> respondent Board and its officials failed in their statutory duty in providing proper facilities to the devotees in Valiyakalavoor Temple for performing the traditional ceremonies. As per the news report, the concrete on the top of the Anakkottil fell down during the 'cheroonu' of a five months old baby. It fell on the head of the baby's mother, who sustained injury, and was rushed to the hospital. From the submissions made by the learned Standing Counsel for Travancore Devaswom Board, we notice that the proposal made by the additional 7<sup>th</sup> respondent Executive Engineer for repair and maintenance of the roof of the Anakkottil is pending before the additional 6<sup>th</sup> respondent Chief Engineer, from February, 2021 onwards.

10. Having seen the screenshot of the Anakkottil in Valiyakalavoor Temple, we deem it appropriate to direct the additional 6<sup>th</sup> respondent Chief Engineer to call for reports from the concerned officers in the Maramath wing of the Travancore Devaswom Board as to whether similar structures posing threat to the safety of the devotees exist in any temple under the management of the Board. In case any such structure posing threat to the safety of the devotees exists in any temple under the management of the Board, the concerned officers in the Maramath wing and also the concerned Administrative Officer/Sub Group Officer shall take necessary steps to ensure that the devotees are not permitted entry into that structure.

List on 20.07.2022 for further consideration.

Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**P.G. AJITHKUMAR, JUDGE**

PV