

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

TUESDAY, THE 27TH DAY OF JANUARY 2015/7TH MAGHA, 1936

DBP.No. 6 of 2015 ()

PETITIONER:

THE TRAVANCORE DEVASWOM BOARD
REP. BY ITS EXECUTIVE ENGINEER
NANTHENCODE
THIRUVANANTHAPURAM

BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TDB

RESPONDENT:

THE DEPUTY DIRECTOR,
LOCAL FUND AUDIT
THIRUVANANTHAPURAM

BY SR. GOVERNMENT PLEADER SRI.A.RENJITH
SRI.KRISHNAKUMAR MANGOT (AMICUS CURIAE)

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON 27-01-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

D.B.P. No.6 of 2015

Dated this the 27th day of January, 2015

ORDER

Anil K.Narendra, J.

The Travancore Devaswom Board has filed Petition No.90 of 2014 before the Honourable Ombudsman seeking permission to approve the contract of construction of compound wall in Kadinamkulam Devaswom in Ulloor Group in favour of Sri.J.Satheeshchandran Nair, the nominee of the Temple Advisory Committee, at 10% below the sanctioned estimate rate. On the said petition, the Honourable Ombudsman has filed TDB Report No.1 of 2015.

2. We heard the arguments of the learned standing counsel for the Board and also the learned Senior Government Pleader representing the Local Fund Audit. We have perused the petition filed by the Board and also the report filed by the Honourable Ombudsman.

3. Going by the report submitted by the Honourable Ombudsman, the estimate for the work is Rs.10,45,000/- and the Temple Advisory Committee has agreed to execute the work at 10% below the sanctioned estimate rate. The Assistant Engineer in charge of the Devaswom has reported that the construction of the compound wall will protect the Temple property from trespass and at present the Temple compound is being used by the public as thoroughfare and there is no safety for the Temple. The Assistant Engineer has also pointed out that it is highly necessary to have a compound wall for the Temple property having an extent of 1 acre and 20

cents. The report filed by the Honourable Ombudsman shows that the Local Fund Audit has not raised any objection. The Honourable Ombudsman has also reported that though the estimate is for Rs.10,45,000/- since the Temple Advisory Committee has agreed to execute the work at 10% below the sanctioned estimate rate, the total cost will be less than Rs.10,00,000/-. Therefore, the Honourable Ombudsman has suggested that permission may be granted by this Court to award the contract in favour of Sri.J.Satheeshchandran Nair, the nominee of the Temple Advisory Committee, at 10% below the sanctioned estimate rate.

4. In such circumstances, based on the recommendation made by the Honourable Ombudsman, the Travancore Devaswom Board is permitted to execute the work in question by awarding the contract to the nominee of the Temple Advisory Committee, at 10% below the estimate rate.

5. The Temple Advisory Committee shall submit periodical reports regarding the execution of the work before the Honourable Ombudsman once in every two months. It will be open to the Honourable Ombudsman, if found necessary, to conduct inspection of the work undertaken by the Temple Advisory Committee.

D.B.P. No.6 of 2015 is allowed.

**P.N.RAVINDRAN,
(JUDGE)**

**ANIL K.NARENDRA,
(JUDGE)**