

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

DBP.No.13 of 2015

APPLICANT/PETITIONER :

COCHIN DEVASWOM BOARD,
REPRESENTED BY THE SECRETARY-IN-CHARGE,
COCHIN DEVASWOM BOARD,
THRISSUR.

BY ADV. SMT.M.K.PUSHPALATHA, SC, COCHIN DEVASWOM

RESPONDENTS :

1. THE DEPUTY DIRECTOR,
LOCAL FUND ACCOUNT (C.D.) AUDIT,
THRISSUR.
2. THE SECRETARY,
TEMPLE ADVISORY COMMITTEE,
AZHAKIYAKAVU BHAGAVATHI TEMPLE.

R1 BY SR.GOV'T PLEADER SRI.A.RENJITH

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD
ON 23-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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

D.B.P.No.13 of 2015

Dated this the 23th day of March, 2015

ORDER

Anil K.Narendran, J.

The Cochin Devaswom Board has filed Petition No.76 of 2014 seeking permission to execute the work of repairing the Balikkalpura and Chuttambalam of Azhakiyakavu Bhagavathy Temple through the Temple Advisory Committee on 100% contribution basis and in terms of Annexure-A4 order dated 12.8.2014. On the said petition the Hon'ble Ombudsman has filed CDB Report No.179 of 2014.

2. We heard the arguments of the learned Standing Counsel for the Board and also the learned Senior Government Pleader for Local Fund Audit. We have perused the petition filed by the Board and also the report filed by the Hon'ble Ombudsman.

3. Going by the report filed by the Hon'ble Ombudsman the work in question is for repairing the Balikkalpura and Chuttambalam of Azhakiyakavu Bhagavathy Temple for which an estimate has been prepared for Rupees Twenty two lakhs. The Board has decided to entrust the work to the Temple Advisory Committee on 100% contribution. Going by the remarks filed by the Local Fund Audit before the Ombudsman it is

suggested that the contribution may be reduced to below 100%. The Local Fund Audit has also pointed out that recordings about the necessary budget provision for the work and technical sanction are also not available in the file. Though the petition was posted to 9.12.2014 before the Hon'ble Ombudsman for filing further statement by the Board, no such statement was filed.

4. The report would further show that the representatives of the Temple Advisory Committee had appeared before the Hon'ble Ombudsman and they had stated that the work has already been started since the Chuttambalam and Balikkalpura are in a very dangerous condition. The Temple Advisory Committee has also decided to do the repair work of Chuttambalam with copper sheet roofing, for which no claim will be made from the Devaswom Board. They have also pointed out that even from the 100% contribution, 15% will be reduced towards contractor's profit and other dues which are not allowed when the work is done by the Temple Advisory Committee and they will get only 85% of the estimate rate. Anticipating the amount towards 85% of the estimate rate they have borrowed money from their friends and the work is in progress. The detailed statement with regard to the nature of work and the amount spent so far are there in Annexure-A statement dated 11.12.2014 filed by the Secretary of the Temple Advisory Committee before the Hon'ble Ombudsman. The income and expenses statement for the years 2012 to

2014 is marked as Annexure-B, as per which there is an average income of Rupees Ten lakhs every year in excess of the expenses.

5. In the report filed by the Hon'ble Ombudsman it is stated that Azhakiyakavu Bhagavathy Temple is a prominent temple in Palluruthy with extensive land and a proper Chuttambalam and Balikkalpura are absolutely necessary for the Temple. The Hon'ble Ombudsman has also stated that the amount now decided to be paid by the Devaswom Board is only a small portion of the amount being spent for the Temple by the Temple advisory Committee though the contribution is said to be 100%. The representatives of the Temple Advisory Committee has stated before the Hon'ble Ombudsman that, only after the demolition of Valiyambalam started, it was found that many of the wooden planks were totally damaged. Further the cost of copper sheet is not included in the estimate and it is being met by the Temple Advisory Committee. In such circumstances, the Hon'ble Ombudsman has suggested that appropriate orders may be passed by this Court.

6. In such circumstances, considering the report filed by the Hon'ble Ombudsman, the Cochin Devaswom Board is permitted to execute the work of repairing the Balikkalpura and Chuttambalam of Azhakiyakavu Bhagavathy Temple through the Temple Advisory Committee at an estimate of ₹22,00,000/- on 100% contribution basis and in terms of Annexure-A4 Board Order dated 12.8.2014.

7. The work shall be executed under the supervision of the Maramath Wing and the Board shall submit periodical reports regarding the execution of the work before the Hon'ble Ombudsman, once in every two months. It will be open to the Hon'ble Ombudsman, if found necessary, to inspect the work undertaken by the Temple Advisory Committee. Expenditure incurred for the work will be subject to audit, after the work is over.

D.B.P.No.13 of 2015 is disposed of.

P.N.RAVINDRAN, JUDGE

ANIL K.NARENDRAN, JUDGE

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