

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN  
&  
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN**

**WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937**

**DBP.No. 100 of 2015 ()**  
-----

**PETITIONER(S):**  
-----

1. **C.A.SIVAN,  
CHOWKKAPARAMBIL HOUSE,  
PANDANADU, VANMOZHI P.O,  
CHENGANNOOR - 689 506.**
2. **P.C. JIJU KUMAR, PADINJAREPPARAMBIL,  
KADAPRA, NIRANAM,  
PATHANAMTHITTA DISTRICT - 689 630.**

**BY ADV. ..**

**RESPONDENT(S):**  
-----

1. **SREE BRAHMANANDA SAGAR JAGGERY INDUSTRIES,  
150/6, VIDHYA NAGAR, HARUGERI, BALGAUM DISTRICT,  
KARNATAKA STATE, PIN-591 220.**
2. **THE EXECUTIVE OFFICER,  
TRAVANCORE DEVASWOM BOARD,  
SABARIMALA,  
PAMPA.**

**R1 BY ADV. SRI.V.KRISHNA MENON**

**THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON  
30-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**DG**

**THOTTATHIL B.RADHAKRISHNAN &  
ANU SIVARAMAN, JJ.**

-----  
D.B.P.No.100 of 2015  
-----

Dated this the 30<sup>th</sup> day of September, 2015

**O R D E R**

**Thottathil B.Radhakrishnan, J.**

1.This matter is registered on the basis of TDB report No.100 of 2015 forwarded by the learned Ombudsman on the basis of complaint No.437 of 2014 which was preferred before that authority by C.A.Sivan and P.C.Jiju Kumar. Those persons are the petitioners in W.P.C.No.22173 of 2015 as well, raising contentions against Sree Brahmananda Sagar Jaggery Industries and Board authorities in relation to purchase of jaggery from that vendor, who according to the petitioners, is not a manufacturer, while the terms of the tender floated by the Travancore Devaswom Board provided for purchase only from manufacturers directly.

2.As opined by the learned Ombudsman in TDB Report No.100

of 2015, in so far as the allegations on the quality of jaggery are concerned, it is appropriate that jaggery is permitted to be moved from Pampa to Sannidhanam only after proper test being carried out at Pampa. The materials received at Sannidhanam will also have to be subjected to such test in terms of earlier directions issued in other matters. The Food Safety Commissioner is directed to ensure that the quality of jaggery is tested both at Pampa and Sannidhanam before utilizing it for the preparation of Appam and Aravana and for other purposes at Sannidhanam. The Vigilance Wing of Travancore Devaswom Board, following earlier directions, is also directed to scrupulously follow the same mechanism of drawing samples independently by itself and having them tested in laboratories. Reports regarding such test shall be promptly made over to the Special Commissioner who, in turn, will place such reports as may be necessary before the High Court.

3. Now, the only question that remains is the issue raised by C.A.Sivan and P.C.Jiju Kumar regarding the purchase of jaggery from Sree Brahmananda Sagar Jaggery Industries and

as to whether that supplier was a manufacturer by itself. That issue is left open for decision in W.P.C.No.22173 of 2015 which is instituted by those persons also producing a copy of TDB Report No.100 of 2012.

The directions issued above shall be scrupulously followed by all concerned.

This DBP is ordered accordingly.

Sd/-  
**(THOTTATHIL B.RADHAKRISHNAN, JUDGE)**

Sd/-  
**(ANU SIVARAMAN, JUDGE)**

//TRUE COPY//

P.A TO JUDGE

DG