IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

DBP.No. 159 of 2014 ()

PETITIONER:

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

BY ADV. SMT.M.K. PUSHPALATHA, SC FOR COCHIN DEVASWOM BOARD's
ADV.KRISHNAKUMAR MANGOT(AMICUS CURIAE)

RESPONDENT:

DEPUTY DIRECTOR, LOCAL FUND AUDIT,
THRISSUR

BY SR. GOVERNMENT PLEADER SRI A.RENJITH

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON 20-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

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

D.B.P.No.159 OF 2014

DATED THIS THE 20th DAY OF FEBRUARY, 2015

ORDER

ANIL K.NARENDRAN, J.

The Cochin Devaswom Board has filed Petition No.77 of 2014 seeking permission to execute the construction work of Oottupura in Vadayambadi Devi Temple through the Kshethra Upadesaka Samithi on 75% contribution basis and in terms of Annexure A6 Board order dated 29.9.2014 at an estimated cost of ₹12,15,000/-. On the said petition, the Honourable Ombudsman has filed C.D.B.Report No.181 of 2014.

2. We heard arguments of the learned standing counsel for the Board and learned Senior Government Pleader representing the Local Fund Audit. We have also 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 work in question is the construction of Oottupura in Vadayambadi Devi Temple at a sanctioned estimated cost of ₹12,15,000/- and the Board as per Annexure A6 order accorded sanction to the Kshethra Upadesaka Samithi to execute the work on contribution basis on condition that the Board's contributions will be 75% of the valuation amount.

4. The Local Fund Audit filed remarks stating that the financial status of the Board is not sound now. The Local Fund Audit has also stated that the work may be executed on contribution basis and sanction may be given to Kshethra Upadesaka Samithi to execute the work at their own risk and resources. The Local Fund Audit has also stated that, in the file there is no recording about the necessary budgetary provision for the work.

5. The report filed by the Honourable Ombudsman would show that the Executive Engineer in his report, has stated that sanction was accorded to the Kshethra Upadesaka Samithi to execute the work on contribution basis. After the Finance and Accounts Officer has mentioned about the financial crisis of the Board, a meeting was convened on 26.8.2014 and in the discussion with the Samaithi, contribution was fixed at 75% of the valuation amount. The report of the Honourable Ombudsman would further show that the representative of the Kshethra Upadesaka Samithi has appeared before him and pointed out that the Oottupura is in the nature of a Nadapanthal in front of the Temple, outside the Elamathil, and it will not in any way close the view of Temple from outside. They have also pointed out that the temporary panthals for which large amounts being spent every year can be avoided if a permanent panthal is constructed.

6. The Honourable Ombudsman noticed that from the income and expenditure statement of the temple, expenditure for the last

three years is slightly above the income. The Honourable Ombudsman has also noticed that Nadapanthal is being constructed in the plaice pointed out by the Temple Architect Sri Vezhaparambu Brahmadathan Namboodiri and the Thanthri of the Temple has already laid foundation stone for the same expecting favourable orders from this Court. Therefore the Honourable Ombudsman has suggested that appropriate orders may be passed on the permission sought for in the petition.

7. In such circumstances, based on the report of the Honourable Ombudsman, the Cochin Devaswom Board is permitted to execute the work in question through the Kshethra Upadesaka Samithi on 75% contribution basis, based on Annexure A6 Board order.

8. 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 Honourable Ombudsman once in every two months. It will be open to the Honourable Ombudsman, if found necessary, to conduct an inspection of the work undertaken by the Board. Expenditure incurred for the work will be subject to audit, after the work is over.

D.B.P.No.159 of 2014 is allowed.

Sd/-
P.N.RAVINDRAN, JUDGE

Sd/-
ANIL K.NARENDRAN, JUDGE

dsn