IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

CON.CASE(C) NO. 723 OF 2025

AGAINST THE JUDGMENT DATED 14.02.2023 IN WP(C) NO.4729 OF 2023 OF HIGH COURT OF KERALA

PETITIONER/NOT A PARTY TO W.P.(C)NOS.4729 OF 2023 AND 5079 OF 2023:

N.PRAKASH,
AGED 60 YEARS,
PRAJITH VIHAR, AYINI ROAD, MARADUI P.O., ERNAKULAM, PIN – 682304.

BY ADV N.PRAKASH(Party-In-Person)

RESPONDENTS/1ST RESPONDENT HEREIN IS 2ND RESPONDENT AND OTHER RESPONDENTS NOT PARTIES TO W.P.(C)NOS.4729 AND 5079 OF 2023:

1 **S. BINDU,**
SECRETARY, TRAVANCORE DEVASWOM BOARD NANTHANCODE, KAWDIAR POST, THIRUVANANTHAPURAM, PIN – 695003.

2 **J.UNNIKRISHNAN NAIR,**
ASSISTANT DEVASWOM COMMISSIONER TRAVANCORE DEVASWOM BOARD, PUNALUR GROUP, KOLLAM, PIN – 691305.

3 **S.RADHAKRISHNAN THIRUMENI,**
SUB GROUP OFFICER TRAVANCORE DEVASWOM BOARD, KADAKKAL GROUP, CHAKKUVALLY, KOLLAM, PIN – 691536.

4 **ADV.R.RAHUL KRISHNAN,**
SECRETARY THIRUVATHIRA MAHOLSAVA COMMITTEE KADAKKAL
PEEDIKA DEVI TEMPLE KRISHNA VILASAM, ALTHARAMOOD,
KADAKKAL KOLLAM, PIN – 695102.

OTHER PRESENT:

SRI. G. BIJU, SC, TDB

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 27.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

Anil K. Narendran, J.

The petitioner has filed this contempt case, invoking the provisions under Section 12 of the Contempt of Courts Act, 1971, alleging willful disobedience of the directions contained in Annexure A1 judgment of this Court dated 14.02.2023 in W.P.(C)No.4729 of 2023 - **Major Vellayani Devi Temple Advisory Committee v. State of Kerala [2023 (2) KHC 290]**, by not taking sufficient measures to ensure that politics has no role to play in the conduct of daily worship, ceremonies and festivals in temples. The instance pointed out in this contempt case in connection with the annual festival of Kadakkal Devi Temple, which is a temple under the management of the Travancore Devaswom Board, is regarding a programme conducted on 10.03.2025, in which one singer named Aloshi performed political songs and displayed flags of a political party in the background.

2. The said incident is the subject matter of W.P.(C)No.10893 of 2025 filed before this Court on 17.03.2025, in

which this Court has passed a detailed order on 18.03.2025. The said order reads thus;

> "The petitioner, who is a devotee of Kadakkal Devi Temple, which is a temple under the management of the 2nd respondent Travancore Devaswom Board, has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of mandamus restraining the 1st respondent Temple Advisory Committee of Kadakkal Devi Temple, the 2nd respondent Travancore Devaswom Board and its Commissioner and Deputy Commissioner, namely, respondents 3 and 4, from using the premises of Kadakkal Devi Temple for the promotion, endorsement or facilitation of any political party or for political activities and to ensure that the temple remains solely dedicated to religious and cultural activities; and a declaration that the 1st respondent Temple Advisory Committee of Kadakkal Devi Temple and the 2nd respondent Travancore Devaswom Board shall not misuse the premises of Kadakkal Devi Temple for any purpose other than religious and spiritual activities, ensuring that the sanctity and traditional character of the temple are preserved.
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> 2. Going by the averments in the writ petition, on 10.03.2025, during the annual festival of Kadakkal Devi Temple for the year 1200ME (2025), one singer named Aloshy performed political songs and displayed flags of a political party in the background, which were inappropriate for the occasion and deeply hurt the sentiments of the

devotees. The said singer, who was invited by the 1st respondent Temple Advisory Committee, sang political songs, namely, 'Pushpane Ariyamo', 'Nooru Nooru Pookkale' and 'DYFI zindabad'. The 1st respondent Temple Advisory Committee, influenced by political interests, granted approval for such performances. The 2nd respondent Travancore Devaswom Board failed to take any action to ensure that the temple premises is not used for the propaganda of political parties. The actions of respondents 1 and 2 have caused emotional disruptions to the devotees, violating the sanctity of the temple festival.

3. In **Sinilkumar E.K. v. Travancore Devaswom Board [2023 (5) KHC 85]**, in the context of 'Pooram festival' in Cherthala Karthiyayini Devi Temple, which is a temple under the management of the Travancore Devaswom Board, a Division Bench of this Court in which one among us [Anil K. Narendran, J.] was a party noticed that Hindu temples represent the culmination of social and religious aspirations of a society. The temple is the focal point in the life of a community and often represents its pride, identity and unity. It draws into its fold people from its various segments and denominations and binds them together. The worship that takes place in the sanctum sanctorum and within the temple premises is important; so are the festivals and occasional processions that involve the direct participation of the entire community. They complement each other. While the worship of the deity in the sanctum sanctorum might be an individual's spiritual or religious need; the festivals are

the expression of a community's joy, exuberance, devotion and pride and are also an idiom of a community's cohesiveness.

4. Section 15A of the Travancore-Cochin Hindu Religious Institutions Act, 1950 deals with the duties of the Travancore Devaswom Board, which includes the duty to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly. The constitution of a Temple Advisory Committee in a temple under the management of the Travancore Devaswom Board is governed by the bye-laws (Rules) framed under sub-section (3) of Section 31A of the Act.

5. In **Major Vellayani Devi Temple Advisory Committee v. State of Kerala [2023 (2) KHC 290]**, a Division Bench of this Court in which one among us [Anil K. Narendran, J.] was a party held that, in view of the provisions of the Travancore-Cochin Hindu Religious Institutions Act, the Travancore Devaswom Board is duty bound to see that the regular traditional rites and ceremonies according to the practice prevalent in the temple under its management are performed promptly; and to establish and maintain proper facilities in the temple for the devotees. Subject to the provisions of Part I of the Act and the Rules made thereunder, the Board shall manage the properties and affairs of the temple and arrange for the conduct of the daily worship and ceremonies and of the festivals in the temple according to the usage. The Temple Advisory Committee of a temple under the management of the Travancore

Devaswom Board, which consists of devotees who fall under the eligibility criteria prescribed in Clause (3) of the bye-laws (Rules) framed under sub-section (3) of Section 31A of the Act, is duty bound to render necessary assistance to the Board and its officials for the smooth functioning of the temple activities and festivals according to the usage.

6. In **Major Vellayani Devi Temple Advisory Committee [2023 (2) KHC 290]** this Court noticed that according to the Oxford Dictionary, 'worshipper' is a person who shows reverence and adoration for a deity. Right to worship is a civil right, of course in an accustomed manner and subject to the practice and tradition in each temple. A worshipper or a devotee has no legal right to insist that saffron/orange-coloured decorative materials alone are used for festivals in a temple under the management of the Travancore Devaswom Board. Similarly, the District Administration or the Police cannot insist that only 'politically neutral' coloured decorative materials are used for temple festivals. In the said decision, this Court has made it clear that politics has no role to play in the conduct of daily worship, ceremonies and festivals in temples.

7. In **Hindu Seva Kendram v. State of Kerala and others [2023 (3) KHC 258]** a Division Bench of this Court in which one among us [Anil K. Narendran, J.] was a party reiterated that politics has no role to play in the conduct of daily worship and ceremonies and festivals in temples. In the said decision, it was held that cultural or social activities unconnected with temple worship have no role to play in temple festivals.

8. In **G. Vyasan v. State of Kerala and others [2023:KER:52256]** in the context of Circular ROC.No.489/2021/VIG issued by the Devaswom commissioner dated 30.03.2021 and Circular ROC.No.17/223/VIG issued by the Travancore Devaswom Board dated 18.05.2023, a Division Bench of this Court, in which one among us [Anil K. Narendran, J.] was a party, held that temple premises of Sree Sarkara Devi Temple, cannot be used for conducting mass drill or weaponry training by the devotees or a group of persons.

9. Today, we have viewed in open Court Ext.P2 video footage of the program held on 10.03.2025, in connection with the annual festival of Kadakkal Devi Temple for the year 1200ME (2025), in which one singer named Aloshy performed political songs and displayed flags of DYFI in the background of the stage, which are inappropriate for the occasion, and will certainly hurt the sentiments of the devotees. Further, politics has no role to play in the conduct of daily worship, ceremonies and festivals in temples. Three screenshots taken from Ext.P2 video footage are extracted hereunder;

10. Having considered the materials on record and preliminary submissions made at the Bar, in the light of the law laid down in the decisions referred to supra, we prima facie find that a program like the one seen in Ext.P2 video clipping should not have been permitted to be performed in connection with the annual festival or any ceremony in a temple under the management of the 2nd respondent Travancore Devaswom Board.

11. The submission made by the learned Standing Counsel for Travancore Devaswom Board is that the aforesaid program was fixed by the 1st respondent Temple Advisory Committee and the program notice was not submitted for the approval of the 3rd respondent Devaswom Commissioner.

Prima facie, we are not impressed with the above submission made by the learned Standing Counsel for the Board. As evident from Ext.P2 video footage, the stage in the temple premises is fitted with LED screen panels, LED lights, flashlights, DJ lights, etc., spending large amounts.

12. In **Murukan K.K. v. Travancore Devaswom Board [2015 (1) KHC SN 17]**, this Court held that in view of the law laid down in **Arjunan T.N. v. President, Temple Advisory Committee and others [2012 (4) KHC 155]**, the collection of funds by the Temple Advisory Committee, based on the approval granted by the Board, against receipts with the seal of the Assistant Commissioner, in connection with the conduct of temple festival or for construction, repair or renovation work in the temple, is collection of money in the name of the deity. The purpose of such a collection is for the benefit of the deity. Therefore, the Travancore Devaswom Board has to ensure that the amounts collected by the Temple Advisory Committees in the temples under its management in connection with the conduct of temple festival or for construction, repair or renovation work in the temple, which are credited to the account of the Advisory Committee, are transferred to the Devaswom fund temporarily. Thereafter, adopting the method of issuing payment cheques from the Devaswom fund, on the basis of payment bills prepared by the Maramath wing of the Board, payments can be released to the contractor. If such a procedure is adopted, the supervision of the Maramath wing of the Board will be more effective and the work files can be

kept in the Maramath wing, which can be subjected to regular audit by the State Audit Department annually.

13. In **Santharam Roy T.S. v. Travancore Devaswom Board and others [2022 (2) KHC 595]**, a Division Bench of this Court in which one among us [Anil K. Narendran, J.] was a party found that the provisions under Clause (3) of the bye-laws (Rules) framed under sub-section (3) of Section 31A of the Travancore-Cochin Hindu Religious Institutions Act, 1920 for constituting Temple Advisory Committees in temples under the management of the Travancore Devaswom Board make it explicitly clear that the membership in 'registered mandalam' is mainly for the devotees who are residing within a distance of 5 kms from the temple, who are regular worshipers and had contributed considerably for the betterment of the temple and the devotees.

14. A Temple Advisory Committee in a temple under the management of Travancore Devaswom Board is permitted to collect money from the devotees in connection with the conduct of the annual festival or any ceremony in the temple only against receipts with the seal of the Assistant Commissioner. Such collection of money is in the name of the deity, who is a perpetual minor. The money collected, either as a donation or by way of sponsorship, has to be utilised with utmost care and caution since the role assigned to Travancore Devaswom Board is that of a trustee in the management of the properties vested in the deity, and the role assigned to a Temple Advisory Committee, which

consists of devotees who fall under the eligibility criteria prescribed in Clause (3) of the bye-laws (Rules), is to render necessary assistance to the Board and its officials for the smooth functioning of the temple activities and festivals according to the usage. It is for the Board to take necessary steps to ensure that the money collected by the Temple Advisory Committee, either as a donation or by way of sponsorship, in connection with the conduct of the annual festival or any ceremony in the temple, is properly accounted and subjected to audit by the Kerala State Audit Department, Travancore Devaswom Board Audit.

15. Admit. The learned Standing Counsel for Travancore Devaswom Board takes notice for respondents 2, 3, 4 and additional respondents 7 and 8 and the learned Senior Government Pleader for the 5th respondent and the additional 6th respondent.

16. Issue notice to the 1st respondent by special messenger, returnable by 27.03.2025.

17. The learned Standing Counsel for Travancore Devaswom Board would point out Circular ROC.No.17822/23/NS2 dated 20.10.2023 issued by the 3rd respondent Commissioner. Clauses (4) to (7) of the said circular read thus;

> "4. ക്ഷേത്ര ഉപദേശകസമിതികൾ തയ്യാറാക്കുന്ന എല്ലാ അച്ചടി സാമഗ്രികളും അച്ചടിക്കുന്നതിന് മുൻപ് ആയവയുടെ കരട് ബന്ധപ്പെട്ട ദേവസ്വം ബോർഡ് ഉദ്യോഗസ്ഥൻ മുമ്പാകെ ബോധ്യപ്പെടുത്തി രേഖാമൂലം അംഗീകാരം വാങ്ങേണ്ടതാണ്.
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> 5. ഏതെങ്കിലും കൂട്ടായ്മകളുടേയോ സമുദായ സംഘടനകളുടേയോ, രാഷ്ട്രീയ

സംഘടനകളുടേയോ ഭാഗമായി ഉപയോഗിക്കുന്ന ചിഹ്നങ്ങൾ, മുദ്രാവാക്യങ്ങൾ എന്നിവ യാതൊരു കാരണവശാലും ഉപയോഗിക്കാൻ പാടില്ല.

6. ഇക്കാര്യത്തിൽ വീഴ്ച വരുത്തുന്ന ക്ഷേത്ര ഉപദേശകസമിതി കൾക്കെതിരെ സൂചന (1)-ൽ പ്രതിപാദിച്ചിരിക്കുന്ന വിജ്ഞാപനത്തിലെ ബന്ധപ്പെട്ട വകുപ്പുകൾ പ്രകാരം നടപടി സ്വീകരിക്കുന്നതാണ്.

7. ക്ഷേത്ര ഉപദേശകസമിതികളിൽ നിന്നും മേൽ സൂചിപ്പിച്ചവയിൽ വീഴ്ചകൾ ഉണ്ടാവുകയാണെങ്കിൽ വിശദമായ റിപ്പോർട്ടുകൾ ബോർഡിലേയ്ക്ക് അറിയിക്കു ന്നതിന് ഗ്രൂപ്പ് അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണർമാരെ ചുമതലപ്പെടുത്തുന്നു."

18. The learned Standing Counsel would submit that the President of the Board has already directed the Chief Vigilance and Security Officer (Superintendent of Police), who heads the Vigilance Wing of the Board, to conduct an enquiry and submit a report on the incident that happened on 10.03.2025. The Assistant Devaswom Commissioner has issued a show cause notice to the Temple Advisory Committee. The explanation offered by the Temple Advisory Committee has already been forwarded to the Devaswom Commissioner, along with a report dated 17.03.2025 of the Assistant Devaswom Commissioner, which will be placed before the Board for its consideration.

19. The 2nd respondent Travancore Devaswom Board shall file a counter affidavit in this writ petition within a week, explaining the facts and circumstances with specific reference to the directions contained in the decisions referred to supra, and also the proceedings initiated against the 1st

respondent Temple Advisory Committee.

20. Having considered the materials on record and preliminary submissions made at the Bar, in the light of the law laid down in the decisions referred to supra, we deem it appropriate to pass an interim order directing the 2nd respondent Travancore Devaswom Board to take necessary steps to ensure that a program like the one seen in Ext.P2 video clipping is not permitted to be performed in connection with the annual festival or any ceremony in a temple under the management of the Board. No organisation or group of devotees shall be permitted to collect money from the devotees, either as a donation or by way of sponsorship, in connection with the conduct of the annual festival or any ceremony in the temple. The Board shall also ensure that the money collected by the Temple Advisory Committee, either as a donation or by way of sponsorship, in connection with the conduct of the annual festival or any ceremony in the temple, is properly accounted and audited."

3. The said writ petition is listed today as item No.13, in which this Court has passed another order and the matter now stands posted to tomorrow (28.03.2025).

4. The petitioner, who appeared in person, seeks permission to withdraw this contempt case, taking note of the pendency of W.P.(C)No.10893 of 2025.

Based on the aforesaid submission made by the petitioner,

who appeared in person, this contempt case is closed.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

DSV/-

APPENDIX OF CON.CASE(C) 723/2025

PETITIONER'S ANNEXURES

Annexure A1	**TRUE COPY OF THE JUDGMENT IN W.P.(C) NOS.4729 OF 2023 AND 5079 OF 2023 DATED 14.2.2023 REPORTED IN MAJOR VELLAYANI DEVI TEMPLE ADVISORY COMMITTEE V. STATE OF KERALA [2023 (2) KHC 290].**
Annexure A2	**TRUE COPY OF THE JUDGMENT DATED 18.12.2023 IN W.P.C.NOS.42057 AND 42373 OF 2023.**
Annexure A3	**THE VIDEOS TELECASTED BY CHANNELS JANAM TV (CONFIDENTIAL/SEALED COVER).**
Annexure A4	**THE VIDEO UPLOADED IN FACEBOOK BY https://www.facebook.com/profile.php?id=100080066951610 (CONFIDENTIAL/SEALED COVER).**
Annexure A5	**THE PHOTOGRAPH SHOWING THE FLAG OF DYFI AND CPM SYMBOL**
Annexure A6	**" " WITH THE SYMBOL OF COMMUNIST PARTY OF INDIA (MARXIST) IN THE BACKGROUND DURING THIRUVATHIRA 2024 IN KADAKKAL PEEDIKA DEVI TEMPLE (CONFIDENTIAL/SEALED COVER).**