



DBP NO. 88 OF 2024

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2025:KER:23480

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

THURSDAY, THE 13TH DAY OF MARCH 2025 / 22ND PHALGUNA, 1946

DBP NO. 88 OF 2024

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - THIRU MOOZHIKKULAM SREELAKSHMANA PERUMAL TEMPLE - MATTER PERTAINING TO INADEQUATE FACILITIES IN THE TEMPLE - SUO MOTU PROCEEDINGS INITIATED BASED ON A COMPLAINT DATED 15/08/2024 MADE BY THIRU MOOZHIKKULAM TEMPLE ADVISORY COMMITTEE - REG.

PETITIONER/COMPLAINANT:

* THE TEMPLE ADVISORY COMMITTEE OF MOOZHIKKULAM SREELAKSHMANA PERUMAL TEMPLE,
MOOZHIKKULAM, KURUMASSERY P.O., ERNAKULAM 683579,
REPRESENTED BY ITS SECRETARY

* THE 7TH RESPONDENT TEMPLE ADVISORY COMMITTEE IS SUO MOTU TRANSPOSED AS THE PETITIONER/COMPLAINANT AS ABOVE AS PER THE ORDER DATED 02/09/2024 IN DBP.NO.88/2024.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 2 TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY NANTHANCOD, KAWDIAR
POST, THIRUVANANTHAPURAM - 695003.
- 3 DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, NANTHANCOD, KAWDIAR POST,
THIRUVANANTHAPURAM - 695003.
- 4 DEPUTY DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, VAIKOM, KOTTAYAM-686141.



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5 ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, KANNANKULANGARA LINK RD,
ERNAKULAM, NORTH PARAVUR, KERALA 683513.

6 SUB GROUP OFFICER,
MOOZHIKKULAM SREE LAKSHMANA PERUMAL TEMPLE,
MOOZHIKKULAM, KURUMASSERY P.O., ERNAKULAM 683579.

*7 THE TEMPLE ADVISORY COMMITTEE OF MOOZHIKKULAM
SREELAKSHMANA PERUMAL TEMPLE (* TRANSPOSED)
MOOZHIKKULAM, KURUMASSERY P.O., ERNAKULAM 683579,
REPRESENTED BY ITS SECRETARY

* THE 7TH RESPONDENT TEMPLE ADVISORY COMMITTEE IS SUO
MOTU TRANSPOSED AS THE PETITIONER/COMPLAINANT AS PER
THE ORDER DATED 02/09/2024 IN DBP.NO.88/2024.

BY ADV G.BIJU, SC, TDB

OTHER PRESENT:

SRI. S. RAJMOHAN, SR. GP

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR ADMISSION ON
13.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ORDER****Muralee Krishna, J.**

This DBP is registered suo motu, vide proceedings dated 30.08.2024, based on a complaint dated 15.08.2024 submitted by the Temple Advisory Committee of Thiru Moozhikkulam temple, addressed to a learned Judge of this Court, pointing out inadequate facilities in the said temple, which is under the management of the 2nd respondent Travancore Devaswom Board.

2. In the complaint, it was alleged that though the Travancore Devaswom Board spends lakhs of rupees for the construction of temporary roofing and towards electricity expenses, no sufficient parking space was made for the vehicles of the devotees coming to Thiru Moozhikkulam temple. Some suggestions are also made in the complaint regarding the infrastructure facilities to be made in the temple.

3. On 02.09.2024, when this matter came up for consideration, the 7th respondent Temple Advisory Committee was suo motu transposed as the petitioner/complainant. Notice was ordered to the petitioner/complainant by speed post returnable



within four weeks. The learned Senior Government Pleader entered appearance for the 1st respondent and the learned Standing Counsel for Travancore Devaswom Board for respondents 2 to 6. The 2nd respondent was directed to place on record an affidavit within four weeks.

4. In pursuance to the above direction, the 2nd respondent filed an affidavit dated 24.02.2025. Paragraphs 3 to 7 of that affidavit read thus:

"3. It is submitted that the Devaswom Commissioner has directed the Assistant Devaswom commissioner North Paravur to provide adequate facilities other than the basic amenities for the devotees. True copy of the letter No.RDO: 12839/24/NSI dated 02.12.2024 issued by the Deputy Devaswom Commissioner, Travancore Devaswom Board to the Assistant Devaswom Commissioner is produced herewith and marked as Annexure-R2(a).

4. It is submitted that a report from the Assistant Devaswom Commissioner was sought in this regard. He reported that there was little delay in the construction of the Shed in the temple premises during the Nalambala darshanam for the year 1199 ME. That was the main reason for the complaint regarding inadequacy of facilities for the devotees. But, all the works had been completed before 1st of karkidakam, 1199 ME. The entire festival in connection with the karkidaka maasacharanam and Nalambala



Darshanam was completed without any room for complaint. The Assistant Devaswom Commissioner, North Paravur has given necessary instructions to the Assistant Engineer, Aluva regarding the maramath works to be completed for Nalambala darshanam in the year 1200 ME.

5. In addition to the above, the Board directed the Chief Engineer to provide necessary facilities for the pilgrims during the Nalambala Darshanam. There will not be any rush in the temple during the rest of the year.

It is submitted that this Honorable court as per the Judgment in WP(C): 25929/2022 directed the Devaswom to provide separate que for senior citizens, differently abled and mentally challenged persons and such other special category of persons and further In DBP 65/2023 directed the Travancore Devaswom Board to provide proper facilities for the devotees during Nalambala Darsanam, by providing separate que for aged and sick persons, drinking water facility, toilet facility etc. and also directed to provide sufficient number of ticket counters and vazhipadu counters. The directions issued by this Hon'ble Court was complied in letter and spirit by providing the above facilities to the devotees in the year 2022, 2023 and also in 2024.

6. It is submitted that in the number of devotees visiting the Moozhikkulam Lakshmana Perumal temple is comparatively very low. Only during the Nalambala Darshanam period in the month of Karkidakam every year, there will be rush in the temple and all arrangements are being made every year to meet this. The demands of the Temple Advisory Committee to Seevelippura, to construct



three storied auditorium above the existing structure etc are not practically viable with the income from the temple. The consumption of electricity in the temple is very low. The cost for providing solar electrification system will be approximately 15 lakhs. The present electricity charge of temple is less than the interest on the amount required for installing the solar panels. The cost for purchasing the parking ground also is very expensive and not practically feasible.

7.It is submitted that the Advisory Committee is well aware of the situation of the Temple. They are expected to support the Devaswom in arranging facilities to the devotees rather than making baseless complaints and unworkable demands. If the Advisory Committee is prepared to obtain any sponsor to do the above works, the Board will positively consider the same to be carried out in the manner directed by this Hon'ble Court for other sponsor works."

5. In spite of service of notice none appeared for the petitioner/complainant. Heard the learned Senior Government Pleader and the learned Standing Counsel for the Travancore Devaswom Board.

6. Travancore-Cochin Hindu Religious Institutions Act, 1950 enacted by the State Legislature makes provision for the administration, supervision and control of incorporated and



unincorporated Devaswoms and of other Hindu Religious Endowments and Funds.

7. Section 15A of the Act, inserted by Act 5 of 2007, with effect from 12.04.2007, deals with duties of the Board. As per Section 15A, it shall be the duty of the Board to perform the following functions, namely, (i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly; (ii) to monitor whether the administrative officials and employees and also the employees connected with religious rites are functioning properly; (iii) to ensure proper maintenance and upliftment of the Hindu religious institutions; (iv) to establish and maintain proper facilities in the temples for the devotees. As per Section 16 of the Act, the Board shall, subject to the provisions of Part I of the Act, exercise supervision and control over the acts and proceedings of all officers and servants of the Board and of the Devaswom Department.

8. As per Section 31 of the Act, subject to the provisions of Part I and the rules made thereunder, the Board shall manage the properties and affairs of the Devaswoms, both incorporated,



and unincorporated as heretofore, and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage.

9. In **Ram Mohan Das v. Travancore Devaswom Board and others [1975 KLT 55]** a learned Single Judge of this Court held that, under Section 31 of the Travancore-Cochin Hindu Religious Institutions Act the Travancore Devaswom Board shall manage the properties and affairs of the Devaswoms, both incorporated and unincorporated and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage. The position of the Board in regard to the Devaswoms - incorporated and unincorporated - is analogous to that of trustees. Any improper act of the Trustees could be questioned by a worshipper.

10. In **S. Mahendran v. Secretary, Travancore Devaswom Board and others [AIR 1993 Kerala 42]** a Division Bench of this Court held that, under Section 31 of the Travancore-Cochin Hindu Religious Institutions Act a duty is cast on the Travancore Devaswom Board to arrange for the conduct of the daily worship and ceremonies a temple in accordance with its



usage. The Board has no right to alter or modify the same. The Government have no power or authority to issue any order or direction in this matter and the management is within the prerogative of the Devaswom Board subject to the provisions of the said Act.

11. In **Rajani P. Kuttan and another v. State of Kerala and others [2021 (6) KHC 513]** a Division Bench of this Court noticed that among the 1250 Temples managed by the Travancore Devaswom Board, only 60 major Temples are self-sufficient and the rest are being managed utilising the surplus income from Sabarimala Devaswom. The total number of sanctioned posts in various categories in the Travancore Devaswom Board is 5692 and the total number of pensioners is 5749. The major source of revenue of the Travancore Devaswom Board is the income received by way of offering by the devotees, the amount received from vazhipadu and the revenue generated through the auction of temple premises for various activities in connection with rituals and festivals in the Temples. Paragraph 59 of the said judgment reads thus:



"59. The Financial position of the Devaswom Board:-
The competent officer of the Devaswom Board filed an affidavit dated 14.06.2021 stating its financial position. It is submitted that there are 1250 temples under the Administrative Control of the Devaswom Board. The total number of sanctioned posts in various categories in the Devaswom Board is 5692, and the total number of pensioners is 5749. It is further submitted that the major sources of revenue of the Devaswom Board are the income received by way of offerings from devotees, the amount received from vazhipadu, and the revenue generated through the auction of the temple premises for various activities in connection with rituals and festivals in the temples. Besides this, the Devaswom Board gets an approximate sum of 14 crores per annum by way of the rent of the buildings owned by it. The annual contribution from the State Government under Article 290A of the Constitution of India is Rs.80 lakhs. It is further submitted that among the 1250 temples managed by the Devaswom Board, only 60 major temples are self-sufficient, and the rest are being managed utilising the surplus income from Sabarimala Devaswom. Now, due to the spread of the Covid-19 pandemic, the temples remain closed, and the major source of income has come down. The Devaswom



Board is finding it difficult even to pay the salary of the existing employees. The pleadings regarding the financial position of the Devaswom Board in the affidavit dated 14.06.2021 have not been controverted by the petitioners.” (underline supplied)

12. In view of the provisions under the Travancore-Cochin Hindu Religious Institutions Act and also the law laid down in the decisions referred to supra, the 2nd respondent Travancore Devaswom Board is duty bound to ensure proper administration, supervision and control of the temples under its management. The Board has a statutory duty to monitor whether its administrative officials and employees and also the employees connected with religious rites are functioning properly. The Board is duty-bound to exercise proper supervision and control over the acts and proceedings of all officers and servants to manage the properties and affairs of the temple under its management and conduct daily worship and ceremonies and also festivals in the temple according to its usage. The position of the Board in this regard is analogous to that of trustees. Any improper act of the trustees could be questioned by a worshiper.



13. In W.P.(C)No.25929 of 2022, this Court, considered the writ petition filed by a devotee under Article 226 of the Constitution of India, seeking a declaration that the action of respondents 1 to 6 in allowing the devotees who are making 'Nalambala Darshanam' in Thriprayar Sree Ramaswami Temple, Sree Koodalmanikyam Temple, Thiru Moozhikkulam Sree Lakshmana Temple and Payammal Sree Shathrughnan Temple, by availing the tour packages offered by the 7th respondent Kerala State Road Transport Corporation (KSRTC), without following the queue system, while all the other devotees including senior citizens, differently-abled devotees and other special categories of devotees, pregnant women and women with infants in their hands could make darshan only by following the queue system, is arbitrary and discriminatory. In that writ petition, the petitioner has also sought for a writ of mandamus commanding respondents 3 to 6 to provide a special queue for senior citizens, differently-abled and other special categories of devotees, for making 'Nalambala Darshanam' in the aforesaid temples. This Court, after considering the writ petition, passed the judgment dated 01.11.2022 whereby the writ petition was disposed of by making



the interim order dated 12.08.2022 absolute, by holding that the provision of a separate queue for the devotees in Thriprayar Sree Ramaswami Temple, Sree Koodalmanikyam Temple, Thiru Moozhikkulam Sree Lakshmana Temple and Payammal Sree Shathrugnan Temple, who avail the Pilgrim Tourism Packages of KSRTC for 'Nalambala Darshanam', is per se arbitrary and illegal, which cannot be permitted to continue. Therefore, all the devotees have to follow the queue system in the temples for 'Nalambala Darshanam'. However, a separate queue has to be provided for senior citizens, differently-abled and mentally challenged persons and such other special categories of persons, who require special attention and care.

14. In DBP No.65 of 2023 which was registered suo moto vide proceeding dated 14.07.2023 based on a news report that appeared in Malayala Manorama Daily dated 13.07.2023 in connection with 'Naalambala Darshanam' of the year 2023, this Court considered the various orders passed in connection with 'Naalambala Darshanam' of the year 2022 in the judgment dated 01.11.2022 in W.P.(C) No.25929 of 2022. After considering the submissions made at the bar and the previous orders on the



subject, this Court disposed of that DBP as per the order dated 21.07.2023. Paragraphs 15 to 17 and operative portion of that order read thus:

"15. Having considered the submissions made at the Bar, this DBP is disposed of by directing Cochin Devaswom Board, Travancore Devaswom Board and Koodalmanikyam Devaswom to provide proper facilities for the devotees in the temples under their management, during 'Nalambala Darshanam', by providing separate queue for aged and sick persons, drinking water facility, toilet facility, etc. Sufficient numbers of ticket counters and Vazhipadu counters shall also be provided in the respective temples, so that, the devotees can perform 'Vazhipadu' without any delay.

16. The submission made by the learned counsel for the 7th respondent Executive Officer that necessary arrangements have already been made in Sree Shathrugna Temple, Payammal for comfortable darshan of the devotees during 'Naalamabala Darshanam', by providing separate queue for aged and sick persons and also Annadhanam, is recorded.

17. The submission of the learned Senior Government Pleader that the District Administration and also the District Police have already made necessary arrangements for crowd management and maintenance of law and order in connection with 'Naalambala Darshanam'; and that Medical teams under the District Medical Officer, Ernakulam and the District Medical Officer, Thrissur are rendering medical



support to the devotees; and that Fire and Rescue teams and revenue officials have also been deployed in connection with 'Naalamabala Darshanam', is also recorded.

The directions contained in the judgment dated 01.11.2022 in W.P.(C)No.25929 of 2022 and that contained in this order shall be complied with by all concerned during 'Naalamabala Darshanam' in the coming years as well."

Having considered the various judgments and orders referred to above and the submissions made at the Bar, this DBP is disposed of directing all concerned to scrupulously comply with the directions in the judgment dated 01.11.2022 in W.P.(C)No.25929 of 2022 and that contained in the order dated 21.07.2023 in DBP No.65 of 2023 in its letter and spirit, by providing facilities to the devotees to exercise their right to worship in an accustomed manner, subject to the practice and custom followed in that temple.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

DSV/-



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APPENDIX OF DBP 88/2024

RESPONDENTS' ANNEXURES

Annexure R2(a)

True copy of the letter No.RDO:
12839/24/NSI dated 02.12.2024 issued by the
Deputy Devaswom Commissioner, Travancore
Devaswom Board to the Assistant Devaswom
Commissioner.