



W.P.(C)No.35495 of 2024

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2025:KER:35608

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE P. V. BALAKRISHNAN

FRIDAY, THE 23RD DAY OF MAY 2025 / 2ND JYAISHTA, 1947WP(C) NO. 35495 OF 2024PETITIONERS:

- 1 DEVIDAS C,
AGED 62 YEARS
S/O. ACHUTHANKUTTY MENON, DNRA D 3, P C ROAD,
EROOR SOUTH PO, TRIPUNITHURA, PIN - 682306
- 2 ANEESH CHANDRAN,
AGED 42 YEARS
S/O. CHANDRAN, PEREPARAMBIL HOUSE, PAVAMKULANGARA,
THEKKUMBHAGUM, TRIPUNITHURA, PIN - 682301
- 3 HARIDAS M,
AGED 56 YEARS
S/O. K. RAMAN NAIR, MADASSERY HOUSE, KODAMKULANGARA,
TRIPUNITHURA, PIN - 682301
- 4 SUJITH KUMAR A.P,
AGED 43 YEARS
S/O. PUSHPAKUMAR T. K. AANNABLAYITHARA, GANDHI SQUARE,
POONITHURA, ERNAKULAM, PIN - 682038

BY ADVS.T. SANJAY
SANIL KUMAR G.
ARDHRA KRISHNA
SREEKANTH G MENON

RESPONDENTS:

- 1 COCHIN DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, COCHIN DEVSWOM BOARD
OFFICE, SWARAJ ROUND NORTH, THRISSUR, PIN - 680001
- 2 THE DEVASWOM COMMISSIONER,



COCHIN DEVSWOM BOARD OFFICE, SWARAJ ROUND NORTH
THRISSUR, PIN - 680001

- 3 THE DEVASOM OFFICER
SRI POORNATHRAYEESA TEMPLE,
TRIPUNITHARA, PIN - 682301
- 4 PULIYANNUR ANUJAN NARAYAN NAMBOODIRI,
THANTRI, SRI POORNATHRESSYA TEMPLE, TRIPUNITHARA. PIN
682 301. RESIDING AT PULIYANNOOR MANA, SHARIPADI,
EROOR SOUTH P.O, TRIPUNITHARA, PIN - 682306
- 5 THE PRESIDENT
PALACE ADMINISTRATION BOARD. KALIKKOTTA PALACE,
TRIPUNITHURA, PIN - 682301
- 6 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-, PIN - 695001
- 7 DIRECTOR GENERAL OF POLICE,
POLICE HEADQUARTERS VAZHUTHACAD,
TRIVANDRUM., PIN - 695010
- 8 THE DIRECTOR GENERAL
ARCHAEOLOGICAL SURVEY OF INDIA MINISTRY OF CULTURE,
GOVERNMENT OF INDIA, DHAROHAR BHAWAN-24, TILAK MARG,
NEW DELHI, PIN - 110001
- 9 UNION OF INDIA
REPRESENTED BY SECRETARY MINISTRY OF TOURISM ROOM
NO.109, TRANSPORT BHAVAN, 1 PARLIAMENT STREET,
NEW DELHI, PIN - 110001
- 10 THE DIRECTOR
KERALA STATE AUDIT DEPARTMENT, GOVERNMENT OF KERALA,
DIRECTORATE OF LOCAL FUND AUDIT, 4TH FLOOR, VIKAS
BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695033
- *11 ADDL.R11 SHRI. PRAKASH IYER,
(FORMER SECRETARY OF KSHETRA UPADESHAKA SAMITHI, SREE
POORNATHRAYEESA TEMPLE, TRIPUNITHURA) RESIDING AT
'DEVI KRIPA', PRIYADARSHINI ROAD, KANNAMKULANGARA,
TRIPUNITHURA- 682301
- *12 ADDL.R12 ADV. SHIVASANKARA PULPRA,
(FORMER TREASURER, KSHETRA UPADESHAKA SAMITHI), PULPRA
HOUSE, GROVER LANE, S.N. JUNCTION, TRIPUNITHURA -
682301



*13 ADDL.R13. TRIPUNITHURA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL COMPLEX,
TRIPUNITHURA - 682301

*(ADDITIONAL RESPONDENTS 11 TO 13 ARE IMPEADED AS PER
ORDER DATED 25-10-2024 IN IA 2/2024 IN WPC 35495/2024)

**14 Addl.R14 THE CHIEF VIGILANCE OFFICER, COCHIN
DEVASWOM BOARD BUILDING, DEVASWOM HEADQUARTERS,
SWARAJ ROUND WEST, THRISSUR DISTRICT-680 001

** (ADDL.R14 IS IMPEADED AS PER ORDER DATED
23.05.2025 IN WPC NO.35495 OF 2024) .

BY ADVS.K.P. SUDHEER
DINESH R.SHENOY
SUVIN R MENON
JOY THATTIL ITTOOP
BIJISH B.TOM
JACOB TOMLIN VARGHESE
BABY SONIA
UTHARA A.S
NEVIS CASSANDRA L CAXTON LORETTA
KRISHNA KUMAR T.K.
KARUN MAHESH
K.S.ARUN KUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23.05.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**"C.R"****JUDGMENT****Anil K. Narendran, J.**

The petitioners, who are devotees of Lord Poornathrayeesa of Sree Poornathrayeesa Temple, Tripunithura, which is a temple under the management of the 1st respondent Cochin Devaswom Board, subject to the restrictions in sub-section (2) of Section 62 of the Travancore-Cochin Hindu Religious Institutions Act, 1950, are before this Court in this writ petition seeking a declaration that the entire amounts obtained as donations in connection with Vrishchikoltsavam of Lord Poornathrayeesa are Devaswom Funds and be subjected to a thorough audit by the State Audit Department or any other organisation or person under the direct supervision of this Court. The petitioners have also sought for a writ of mandamus commanding the 1st respondent Cochin Devaswom Board to take immediate steps to account the income and expenses of the Temple Advisory Committees of the previous eight years, by the State Audit Department, or any other organization or person under the direct supervision of this Court; a writ of mandamus directing respondents 1 to 3 and 7 to take immediate action to take-down the various fake 'official'



Instagram or social media accounts in the name of Sree Poornathrayeesa Temple and other temples under the management of the Board and take action against persons responsible; a writ of mandamus commanding the 1st respondent Board to have videography of the collection and counting of the hundis by the officials of the Board and prepare an inventory/register of the gold, jewels, precious stones and other material offered by the devotees and publish the same periodically; a writ of mandamus commanding respondents 1 to 3 to keep at least 100 meters radius around Sree Poornathrayeesa Temple and other temples under its management, free from temporary shops and bunks during temple festivals, to enable emergency vehicles like ambulances and fire engines to have proper access; a writ of mandamus commanding respondents 1 to 3 and 7 to station ambulances, fire engines and teams of SDRF/NDRF at the entrance of Sree Poornathrayeesa Temple to enable swift rescue, in case of any untoward incident, since thousands of devotees are jostling for space when 15 elephants are paraded during the annual festival of Sree Poornathrayeesa Temple; a writ of mandamus commanding respondents 1 to 3 to ensure that the contracts for the programmes in connection with the annual



festival, light and sound, elephants, percussionists etc., are awarded only after calling for tenders; a writ of mandamus commanding respondents 1 to 3 to provide prasadam like Pantheerazhi payasam in the exact proportion for which the offering has been made and to prohibit sale of payasam without taking proper receipt from the Devaswom Office; a writ of mandamus commanding respondents 1 to 3 to induct volunteers for the conduct of temple festivals only as per the specific directions contained in the order of this Court in DBP No.5 of 2021; a writ of mandamus commanding the 1st respondent Cochin Devaswom Board to take proactive steps to utilize various schemes like PRASHAD Scheme to get technical and financial assistance from the 9th respondent Central Government; a writ of mandamus commanding respondents 1 to 3 not to initiate any major renovation/reconstruction/demolishing of the temples and its properties managed by it without publishing an approved Master Plan for that temples; and a writ of mandamus commanding respondents 1 to 3 not to induct executive committee members of the defunct Temple Advisory Committees, as volunteers for the conduct of temple festival, for at least 10 years after the expiry of their tenure.



2. On 14.10.2024, when this writ petition came up for consideration, the learned counsel for the petitioners pointed out Ext.P1 screenshot of an Instagram Account 'Sree Poornathrayeesa Kshethram' created in the year 2022. The learned Standing Counsel for Cochin Devaswom Board, on instructions, submitted that the said Instagram Account is being managed by the 3rd respondent Devaswom Officer, after the filing of this writ petition.

3. On 25.10.2024, when this writ petition came up for consideration, by the order in I.A.No.2 of 2024, the Secretary and Treasurer of the former Kshethra Upadeshaka Samithi (Temple Advisory Committee) of Sree Poornathrayeesa Temple were impleaded as additional respondents 11 and 12 and Tripunithura Municipality, represented by its Secretary, was impleaded as additional 13th respondent. The learned Standing Counsel for Cochin Devaswom Board took notice on admission for respondents 1 to 3 and the additional 14th respondent; the learned Senior Government Pleader for respondents 6, 7 and 10; the learned Standing Counsel for the 8th respondent Director General of Archaeological Survey of India; the learned Deputy Solicitor General of India for the 9th respondent Union of India and the learned Standing Counsel for Thripunithura Municipality for the



additional 13th respondent. Notice on admission by special messenger was ordered to the 5th respondent and also for additional respondents 11 and 12, returnable by 29.10.2024. Service of notice on the 4th respondent, who is the Tantri of Sree Poornathresseya Temple, was dispensed with for the time being. The learned Standing Counsel for Cochin Devaswom Board was directed to get specific instructions on Ext.P1 Instagram Account in the name of Sree Poornathrayeesa Kshetram.

4. On 29.10.2024, when this writ petition came up for consideration, the learned Standing Counsel for Cochin Devaswom Board made available for the perusal of this Court a copy of the order dated 01.10.2024 of the 2nd respondent Devaswom Commissioner, whereby the Chief Vigilance Officer of the Board has been authorised to take necessary steps, in accordance with law, to block the Instagram account 'sree_poornathrayeesa kshetram'. Such an order has been passed based on a report dated 27.09.2024 made by the Assistant Commissioner, Tripunithura Group. The learned counsel for additional respondents 11 and 12 sought time to get instructions from the additional 12th respondent, with specific reference to the particulars, i.e., '@adv.sivasankarpulpra (+95393 10953), seen in Ext.P1



screenshot of the Instagram Account (at page No.30). The learned Standing Counsel for Tripunithura Municipality and the learned Standing Counsel for Cochin Devaswom Board sought time to get instructions on the specific allegation contained in the writ petition regarding the auctioning of temporary stalls in connection with Vrischikolsavam of Sree Poornathrayeesa Temple.

5. On 30.10.2024, when this writ petition came up for consideration the learned counsel for additional respondents 11 and 12 submitted that an affidavit sworn to by the additional 12th respondent explaining the facts and circumstances with respect to the Instagram account "sree_poornathrayeesa kshetram", shall be placed on record within a week. The learned Standing Counsel for Cochin Devaswom Board made available for the perusal of this Court, a copy of the Board order dated 02.09.2024, whereby the Board has decided to conduct Vrischikolsavam in Sree Poornathrayeesa Kshetram for the year 1200ME (2024-25) directly by the Department. The learned Standing Counsel submitted that the Board is yet to take a decision regarding the grant of kuthaka right for putting up temporary stalls during Vrischikolsavam on the side of the road leading to western Gopuranada. The learned Standing Counsel pointed out the



judgment of this Court dated 05.07.2024 in W.P.(C)No.12256 of 2024. The operative portion of that judgment reads thus;

“In the above circumstances, this writ petition is disposed of by directing the Secretary of the 3rd respondent Thripunithura Municipality and the 4th respondent Station House Officer, Hill Palace Police Station, to prevent encroachment of any nature, in any form, either temporary or permanent, in the right of way or pedestrian facilities on the public roads in Thripunithura Municipality, including the roads leading to Sree Poornathrayeesa Temple, strictly in terms of the law laid down in the decisions referred to hereinbefore, in order to ensure the safety of the road users, including children, senior citizen and differently-abled persons. No street vending can be permitted by parking handcart on a narrow footpath, thereby causing obstruction to the movement of public through the footpath, thereby forcing them to walk in unsafe circumstances. No trader can be permitted to erect a temporary or semi-permanent roofing above the footpath, for the display of goods, etc., thereby causing obstruction to the movement of pedestrians through the footpath or pedestrian facilities provided on the public roads. Since the 5th respondent is parking his handcart for street vending on a narrow footpath in front of Manimalika (clock tower) and Sree Poornathrayeesa Temple, thereby forcing the pedestrians to walk through the right of way of the road in front of Sree Poornathrayeesa Temple, the 3rd respondent Secretary of Thripunithura Municipality shall take necessary steps to remove the handcart of the 5th respondent, if found necessary, by seeking assistance of the



4th respondent Station House Officer, Hill Palace Police Station. In case any such request is received in writing, the 4th respondent Station House Officer shall do the needful. The 3rd respondent shall also take necessary steps, with the assistance of the 4th respondent Station House Officer, to remove encroachment of any nature, in any form, either temporary or permanent, in the right of way or pedestrian facilities on the public roads in Thrippunithura Municipality, including the roads leading to Sree Poornathrayeesa Temple, by the traders, for display of goods, etc., in order to ensure the safety of the road users."

The learned Standing Counsel for Thrippunithura Municipality submitted that the Municipality is yet to take a decision on the grant of permission to put up temporary stalls on the side of public roads in connection with Vrischikolsavam of Sree Poornathrayeesa Temple.

6. On 22.11.2024, when this writ petition came up for consideration, the additional 13th respondent-Thrippunithura Municipality filed a counter affidavit dated 20.11.2024. Paragraphs 3 to 4 of that counter read thus;

"3. It is respectfully submitted that, this respondent was impleaded as additional respondent No.13 in the above number case on 25.10.2024. When the matter was taken up for consideration, this respondent was asked to furnish counter affidavit answering specific allegation regarding the auctioning of temporary stalls in connection with



Vrischikolsavam of Sree Poornathrayeesa Temple.

4. It is humbly submitted that pursuant to orders of this Hon'ble Court in W.P(C)No.12256 of 2024 and DBP No.134 of 2023, this respondent has not granted permission to put up temporary stalls on the sides of the public roads in connection with Vrischikolsavam of Sree Poornathrayeesa Temple.

The learned Standing Counsel for Thripunithura Municipality submitted that the Secretary of the Municipality has already written a letter to the Station House Officer, Hill Palace Police Station, wherein it is stated that the Municipality has not accorded sanction to conduct street vending in connection with Vrischikolsavam and requested for police assistance to ensure that no encroachment in any form is put in the right of way or on pedestrian facilities of the roads, especially the roads leading to Sree Poornathrayeesa Temple.

7. On 28.11.2024, when this writ petition came up for consideration, the learned counsel for the petitioners pointed out the presence of respondents 11 and 12, namely, Prakash Iyer and Shivasankaran Pulpra, in Finance Committee and Elephant Committee, respectively. The learned Standing Counsel for Cochin Devaswom Board submitted that Vrischikolsavam is being conducted directly by the Devaswom Board. The Assistant



Commissioner, Tripunithura Group alone can sign the cheques issued by the Finance Committee. The said fact is evident from Ext.R1(c) order. The Assistant Commissioner, Tripunithura Group is also present in the Elephant Committee. Moreover, the entire income and expenditure in connection with Vrischikolsavam is subjected to statutory audit by the State Audit Department, Cochin Devaswom Board Audit. The aforesaid submissions made by the learned Standing Counsel for Cochin Devaswom Board were recorded in the order dated 28.11.2024.

8. Respondents 11 and 12 have filed a counter affidavit dated 09.11.2024, opposing the reliefs sought for, to which the petitioners have filed a reply affidavit dated 21.11.2024. The 1st respondent Cochin Devaswom Board has also filed a counter affidavit dated 25.11.2024, producing therewith Exts.R1(a) to R1(e) documents, to which the petitioners have filed a reply affidavit dated 28.01.2025.

9. Heard the learned counsel for the petitioners, the learned Standing Counsel for Cochin Devaswom Board for respondents 1 to 3 and additional 14th respondent, the learned Senior Government Pleader for respondents 6 to 8, the learned Senior Panel Counsel for respondents 8 and 9, the learned Senior



Government Pleader for the 10th respondent, the learned counsel for additional respondents 11 and 12 and also the learned Standing Counsel for Tripunithura Municipality for the additional 13th respondent.

10. During the course of arguments, it is submitted at the Bar that Vrishchikolsavam of Sree Poornathrayeesa Temple for the year 1200ME (2025) was conducted from 29.11.2024 to 06.12.2024. Regarding the reliefs sought for in this writ petition for auditing the accounts of Vrishchikoltsavam by the State Audit Department, the learned Standing Counsel for Cochin Devaswom Board would submit that the entire accounts in relation to Vrishchikoltsavam are being subjected to internal audit by the Audit Wing of the Cochin Devaswom Board and thereafter, the accounts are subjected to statutory audit by the Kerala State Audit Department, Cochin Devaswom Audit, as per the statutory requirements.

11. Though various general reliefs have been sought for in this writ petition, during the course of arguments, the learned counsel for the petitioners would confine the reliefs sought for in this writ petition against fake Instagram and social media accounts in the name of Sree Poornathrayeesa Kshethram and other



temples under the management of Cochin Devaswom Board, leaving open the right of the petitioners to seek other reliefs in a fresh writ petition with appropriate pleadings and materials, since the averments in this writ petition insofar as the said reliefs are concerned are general in nature.

12. Based on the aforesaid submission made by the learned counsel for the petitioners, we deem it appropriate to proceed with this matter confining the consideration to the reliefs sought for against fake Instagram and social media accounts in the name of Sree Poornathrayeesa Kshethram and other temples under the management of Cochin Devaswom Board, however without prejudice to the aforesaid right of the petitioners.

13. The Travancore-Cochin Hindu Religious Institutions Act, 1950, was made for making provisions for the administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds. Chapter VIII of the Act deals with Cochin Devaswom Board. Section 62 of the Act deals with vesting of administration in the Board. As per sub-section (1) of Section 62, the administration of incorporated and unincorporated Devaswoms and Hindu Religious In-



stitutions which were under the management of the Ruler of Cochin immediately prior to the first day of July, 1949 either under Section 50G of the Government of Cochin Act, XX of 1113, or under the provisions of the Cochin Hindu Religious Institutions Act, 1 of 1081, and all their properties and funds and of the estates and all institutions under the management of the Devaswom Department of Cochin, shall vest in the Cochin Devaswom Board. As per sub-section (2) of Section 62, notwithstanding the provisions contained in sub-section (1), the regulation and control of all rituals and ceremonies in the temple of Sree Poornathrayeesa at Trippunittura and in the Pazhayannur Bhagavathy temple at Pazhayannur shall continue to be exercised as hitherto by the Ruler of Cochin.

14. Section 62A of the Act, inserted by Act 14 of 1990, deals with Devaswom properties. As per Section 62A, all immovable properties vested in the Cochin Devaswom Board under sub-section (1) of Section 62 shall be dealt with as Devaswom Properties. The provisions of the Kerala Land Conservancy Act, 1957 shall be applicable to Devaswom lands as in the case of Government lands. As per Section 62B, all unassigned lands belonging to the Devaswom under the sole management of the Board shall be



deemed to be the property of the Government for the purpose of the Kerala Land Conservancy Act, 1957 and all the provisions of that Act shall, so far as they are applicable, apply to such lands.

15. Section 68 of the Act provides for administration by the Board as a trustee. As per sub-section (1) of Section 68, subject to the provisions of the Act and of any other law for the time being in force, the Board shall be bound to administer the affairs of incorporated and unincorporated Devaswoms and institutions under its management in accordance with the objects of the trust, the established usage and customs of the institutions and to apply their funds and property for such purposes. As per sub-section (2) of Section 68, notwithstanding anything contained in sub-section (1), the Board may, out of the funds under their control, set apart such sum as they deem fit for the educational uplift, cultural advancement and economic betterment of the Hindu community, after providing adequately for the purposes of the institutions which have to be met from the said fund.

16. Section 73A of the Act deals with duties of the Board. As per Section 73A, it shall be the duty of the Board to perform the functions enumerated in clauses (i) to (iv), namely, (i) to see



that the regular traditional rites according to the practice prevalent in the religious institution are performed promptly; (ii) to monitor whether the administrative staff 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 major temples for the devotees.

17. Section 74 of the Act deals with vesting of jurisdiction in the Board. As per Section 74, subject to the provisions of subsection (2) of Section 62, all rights, authority and jurisdiction belonging to or exercised by the Ruler of Cochin prior to the 1st day of July, 1949 in respect of incorporated and unincorporated Devaswoms and Institutions shall vest in and be exercised by the Board in accordance with the provisions of the Act. Section 74 of the Act deals with superintendence and control by the Board. As per Section 64, the Board shall, subject to the provisions of Part II 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.

18. Section 76A of the Act deals with formation of Temple Advisory Committees in the temples under the Cochin Devaswom



Board. As per sub-section (1) of Section 76A, a committee for each temple in the name "Temple Advisory Committee" (name of the Temple)" may be constituted in order to ensure participation of Hindu devotees. As per sub-section (2), the Temple Advisory Committee constituted under sub-section (1) may be approved by the Board. As per sub-section (3), the composition of an Advisory Committee under sub-section (1) shall be such as may be prescribed by rules made by the Board, not inconsistent with any practice, prevailing, if any.

19. Pursuant to the orders of this Court dated 09.11.2011 and 13.11.2011 in DBP Nos.78 of 2011, the draft bye-law (Rules) for the constitution of Temple Advisory Committees in the temples under the management of the Cochin Devaswom Board was prepared by the Board. The draft bye-law (Rules) was finalised after considering the objections in the meetings convened by the learned Ombudsman on 30.06.2012 and 03.07.2012. In Report No.123 of 2012 submitted by the learned Ombudsman, certain suggestions were made with regard to modification of some of the clauses. Various parties have filed affidavits in DBP No.78 of 2011 incorporating their suggestions in the matter. Thereafter, the Division Bench finalised the bye-law (Rules) with the modifications



suggested in the order dated 22.07.2013 in DBP No.78 of 2011 and the Board was directed to file an action taken report producing therewith the bye-law as modified in terms of the directions contained in that order.

20. The bye-law approved by the order of this Court dated 22.07.2013 in DBP Nos.8 of 2010 and 78 of 2011 was published in Kerala Gazette, in terms of Section 123 of the Act. Review petitions were filed seeking review of the order of this Court dated 22.07.2013. By the order dated 11.08.2015, those review petitions were disposed of approving the amendments insofar as Clause 25 of the bye-law is concerned. Thereafter, circular dated 16.06.2019 and circular dated 24.01.2019 were issued by the Cochin Devaswom Board with regard to the functioning of the Temple Advisory Committees. In terms of the directions issued by this Court in the order in DBP No.31 of 2020, the Board made certain suggestions regarding the amendment of the bye-law for the formation of the Temple Advisory Committees.

21. As already noticed, as per sub-section (1) of Section 68 of the Act, subject to the provisions of the Act and of any other law for the time being in force, the Cochin Devaswom Board shall be bound to administer the affairs of incorporated and



unincorporated Devaswoms and institutions under its management in accordance with the objects of the trust, the established usage and customs of the institutions and to apply their funds and property for such purposes.

22. In **Ram Mohan Das v. Travancore Devaswom Board and others [1975 KLT 55]**, in the context of Section 31 of the Travancore-Cochin Hindu Religious Institutions Act, which deals with the management of Devaswoms by Travancore Devaswom Board, a provision which is *pari materia* Section 68 of the said Act, a learned Single Judge of this Court held that under Section 31 of the 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. The law laid down in the said decision applies with equal force in matters relating to the administration of incorporated and unincorporated Devaswoms by the Cochin Devaswom Board.



23. In **M.V. Ramasubbiar v. Manicka Narasimachara [(1979) 2 SCC 65]**, in the context of Sections 49, 51 and 52 of the Trusts Act, 1882, the Apex Court explained the nature of the fiduciary position of the trustee and his duties and obligations. It is the duty of the trustees of the property to be faithful to the Trust and execute any document with reasonable diligence in the manner of an ordinary prudent man of business would conduct his own affairs. A trustee could not, therefore, occasion any loss to the Trust and it is his duty to sell the property, if at all that was necessary, to best advantage. Paragraph 4 of that decision reads thus;

"4. There is some controversy on the question whether Defendant 1 made an outright purchase of the suit property for and on behalf of the trust for Rs 21,500 on April 19, 1959, or whether he intended to purchase it for himself and then decided to pass it on to the trust, for defendants have led their evidence to show that the property was allowed to be sold for Rs 21,500, which was less than its market value, as it was meant for use by the trust and that Defendant 1 was not acting honestly when he palmed off the property to his son soon after by the aforesaid sale deed Ext.B13 dated July 14, 1960. The fact, however, remains that Defendant 1 was the trustee of the property, and it was his duty to be faithful to the trust and to execute it with reasonable diligence in the manner an ordinary prudent man of



business would conduct his own affairs. He could not therefore occasion any loss to the trust and it was his duty to sell the property, if at all that was necessary, to best advantage. It has in fact been well recognised as an inflexible rule that a person in a fiduciary position like a trustee is not entitled to make a profit for himself or a member of his family. It can also not be gainsaid that he is not allowed to put himself in any such position in which a conflict may arise between his duty and personal interest, and so the control of the trustee's discretionary power prescribed by Section 49 of the Act and the prohibition contained in Section 51 that the trustee may not use or deal with the trust property for his own profit or for any other purpose unconnected with the trust, and the equally important prohibition in Section 52 that the trustee may not, directly or indirectly, buy the trust property on his own account or as an agent for a third person, cast a heavy responsibility upon him in the matter of discharge of his duties as the trustee. It does not require much argument to proceed to the inevitable further conclusion that the Rule prescribed by the aforesaid sections of the Act cannot be evaded by making a sale in the name of the trustee's partner or son, for that would, in fact and substance, indirectly benefit the trustee. Where therefore a trustee makes the sale of a property belonging to the trust, without any compelling reason, in favour of his son, without obtaining the permission of the court concerned, it is the duty of the court, in which the sale is challenged, to examine whether the trustee has acted reasonably and in good faith or whether he has committed a breach of the trust by



benefitting himself from the transaction in an indirect manner. The sale in question has therefore to be viewed with suspicion and the High Court committed an error of law in ignoring this important aspect of the law although it had a direct bearing on the controversy before it.”

(underline supplied)

24. In **A.A. Gopalakrishnan v. Cochin Devaswom Board [(2007) 7 SCC 482]** a Three-Judge Bench of the Apex Court held that the properties of deities, temples and Devaswom Boards are required to be protected and safeguarded by their trustees/archakas/shebaites/employees. Instances are many where persons entrusted with the duty of managing and safeguarding the properties of temples, deities and Devaswom Boards have usurped and misappropriated such properties by setting up false claims of ownership or tenancy or adverse possession. This is possible only with the passive or active collusion of the authorities concerned. Such acts of 'fence eating the crops' should be dealt with sternly. The Government, members or trustees of boards/trusts, and devotees should be vigilant to prevent any such usurpation or encroachment. It is also the duty of courts to protect and safeguard the properties of religious and charitable institutions from wrongful claims or misappropriation.

25. In **Travancore Devaswom Board v. Mohanan Nair**



[(2013 (3) KLT 132)] a Division Bench of this Court noticed that in **A.A. Gopalakrishnan [(2007) 7 SCC 482]** the Apex Court emphasised that it is the duty of the courts to protect and safeguard the interest and properties of the religious and charitable institutions. The relevant principles under the Hindu law will show that the Deity is always treated similar to that of a minor and there are some points of similarity between a minor and a Hindu idol. The High Court therefore is the guardian of the Deity and apart from the jurisdiction under Section 103 of the Land Reforms Act, 1957 viz. the powers of revision, the High Court is having inherent jurisdiction and the doctrine of parens patriae will also apply in exercising the jurisdiction. Therefore, when a complaint has been raised by the Temple Advisory Committee, which was formed by the devotees of the Temple, about the loss of properties of the Temple itself, the truth of the same can be gone into by the High Court in these proceedings.

26. In **Suo Motu v. State of Kerala and others [2022 (2) KHC 411]**, in the context of Sabarimala Devaswom, which is an incorporated Devaswom mentioned in Schedule I of the Act, under Chengannur Group, this Court held that, in view of the provisions under the Act and also the law laid down in the



decisions referred to supra, the Travancore Devaswom Board is duty bound to ensure proper administration, supervision and control of Sabarimala Devaswom,. 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 and to manage the properties and affairs of Sabarimala Devaswom and conduct daily worships and ceremonies and also festivals in the temple according to its usage. Position of the Board in this regard is analogous to that of trustees, as held by this Court in **Ram Mohan Das [1975 KLT 55]**. Any improper act of the trustees could be questioned by a worshiper. The Board and those entrusted with the duty of managing the properties and affairs of Sabarimala Devaswom are duty bound to protect the properties of the deity from any wrongful claims, theft or misappropriation. Any such wrongful claims, theft or misappropriation with the passive or active collusion of the authorities concerned, which are acts of 'fence eating the crops' should be dealt with sternly. Since the deity being a perpetual minor, this Court is having inherent jurisdiction to protect and safeguard the interest and properties of



the deity and the doctrine of *parens patriae* will also apply in the exercise of such jurisdiction.

27. DBP No.5 of 2021 was registered *suo motu* as per the directions contained in the order of a Division Bench of this Court dated 03.02.2021 in W.P.(C)No.6887 of 2020 since, while sitting in the jurisdiction to deal with Devaswom matters, that Division Bench has come across numerous writ petitions carrying allegations of malfunctioning, embezzlement, temporary misappropriation, etc. against the Temple Advisory Committees constituted under the Travancore Devaswom Board and Cochin Devaswom Board. In the order dated 02.02.2021 in DBP No.5 of 2021, the Division Bench noticed the provisions under the Travancore-Cochin Hindu Religious Institutions Act, 1950, which deals with the constitution of Temple Advisory Committees in the temples under the management of Travancore Devaswom Board and Cochin Devaswom Board. Section 31A of the Act deals with constitution of Temple Advisory Committees in the temples under the management of the Travancore Devaswom Board. Section 76A of the Act deals with constitution of Temple Advisory Committees in the temples under the management of Cochin Devaswom Board. In the case of temples, which are controlled institutions



under the Malabar Devaswom Board, Section 14 of the Madras Hindu Religious and Charitable Endowments Act was substituted by Act 31 of 2008, for the purpose of constituting Temple Advisory Committees in the temples over which the Malabar Devaswom Board is having supervisory control. The Division Bench noticed that the Travancore Devaswom Board and Cochin Devaswom Board have made Bye-law (Rules) to streamline the functioning of the Temple Advisory Committees. Though the Malabar Devaswom Board issued guidelines to streamline the functioning of the Temple Advisory Committees in temples over which the Board has supervisory control, those guidelines were set aside by a Division Bench of this Court. In the temples under the management of Travancore Devaswom Board and Cochin Devaswom Board, there is a provision for constituting Temple Advisory Committees for the purpose of ensuring participation of Hindu devotees in the affairs of the temples. The Division Bench noticed many instances where allegations of keeping huge amounts collected by the Temple Advisory Committees in the private accounts of the office bearers were raised. In some of such instances, the amount involved was in lakhs. Due to lack of periodical auditing and lack of control over their functioning and the lack of proper guidelines in the matter of



their functioning, there is absolutely no uniformity among the Temple Advisory Committee constituted with the devotees. Taking advantage of such situations, unpleasant situations as stated above occur time and again. The Division Bench noticed lacuna/laches on the part of the Travancore Devaswom Board and Cochin Devaswom Board in the matter of controlling the affairs of the Temple Advisory Committees. Considering the flooding of cases of such nature, the Division Bench thought it appropriate to streamline the functioning of the Temple Advisory Committees in exercise of the *parens patriae* jurisdiction and directed Registry to register a *suo motu* case as DBP and issue notice to the respective Standing Counsel for Travancore Devaswom Board, Cochin Devaswom Board and Malabar Devaswom Board and also the learned Amicus Curiae for the learned Ombudsman for Travancore and Cochin Devaswom Boards.

28. DBP No.5 of 2021 was disposed of by the order dated 18.03.2024 – **Suo Motu v. Travancore Devaswom Board and others [2024:KER:53279]** – finalising the modifications to the bye-law (Rules) framed under sub-section (3) of Section 76A of the Act, for the formation of the Temple Advisory Committees in the temples under the management of Cochin Devaswom Board



as contained in paragraph 25 of that order. The Cochin Devaswom Board was directed to file a DBA before this Court along with the modified bye-law (Rules) and thereafter proceed with publishing the same in the Kerala Gazette, as provided under Section 123 of the Act. Pursuant to the direction contained in that order the Cochin Devaswom Board filed DBA No.12 of 2024. That DBA was disposed of by the order dated 11.11.2024 – **Cochin Devaswom Board v. The Deputy Director, Kerala State Audit Department, Cochin Devaswom Board Audit [2024:KER:83828]**.

29. In **Suo Motu v. Travancore Devaswom Board and others [2024:KER:53279]** the Division Bench held that the law laid down in the aforesaid decisions applies with equal force in matters relating to the administration of incorporated and unincorporated Devaswoms by the Cochin Devaswom Board. The Position of the Board in this regard is analogous to that of trustees, as held by this Court in **Ram Mohan Das [1975 KLT 55]**. Any improper act of the trustees could be questioned by a worshiper. The Cochin Devaswom Board and those entrusted with the duty of managing the properties and affairs of incorporated and unincorporated Devaswoms under its management are duty



bound to protect the properties of the deity from any wrongful claims, theft or misappropriation. Any such wrongful claims, theft or misappropriation with the passive or active collusion of the authorities concerned, which are acts of 'fence eating the crops' should be dealt with sternly. Since the deity being a perpetual minor, this Court is having inherent jurisdiction to protect and safeguard the interest and properties of the deity and the doctrine of *parens patriae* will also apply in the exercise of such jurisdiction.

30. As already noticed hereinbefore, on 14.10.2024, when this writ petition came up for consideration, the learned counsel for the petitioners pointed out Ext.P1 screenshot of an Instagram Account 'Sree Poornathrayeesa Kshethram'. Then the learned Standing Counsel for Cochin Devaswom Board submitted that the said Instagram Account is being managed by the 3rd respondent Devaswom Officer, after the filing of this writ petition.

31. During the course of arguments, the learned Standing Counsel for Cochin Devaswom Board would submit that the aforesaid Instagram Account is presently managed by the 3rd respondent Devaswom Officer. The learned Standing Counsel would submit that in the official website of Sree Poornathrayeesa Temple <https://sreepoornathrayeesatemple.org> the devotees are



provided with facilities for online 'pooja booking' and online 'donation' for annadhanam, donation, bhandaram and ulsava fund. In <https://chottanikkarabhagavathy.org.>, the official website of Chottanikkara Bhagavathy Temple, online booking facilities and online payment of donations, etc. are provided to the devotees. Similarly, in <https://sreevadakkumnathantemple.org.> and in <https://ernakulamsivatemple.org.>, which are the official websites of Sree Vadakkunnathan Temple and Ernakulam Siva Temple, online booking facilities and online payment of donations, etc. are provided to the devotees.

32. In **Sunil Kumar C. and others v. Travancore Devaswom Board and others [2022 (4) KHC 663]**, in the context of clause (3) of the bye-law (Rules) framed under subsection (3) of Section 31A of the Travancore-Cochin Hindu Religious Institutions Act, 1950, regarding constitution of Temple Advisory Committees in the temples under the management of the Travancore Devaswom Board, a Division Bench of this Court held that clause (3) of the bye-law (Rules) makes it explicitly clear that the membership in 'registered mandalam' is mainly for the devotees who are residing within a distance of 5kms from the temple, who are regular worshipers and had contributed



considerably for the betterment of the temple and the devotees.

Sub-clauses (i) to (iv) of Clause (3) of the Rules deal with the class of persons who are entitled to get membership.

33. As held by this Court in **Major Vellayani Devi Temple Advisory Committee v. State of Kerala [2023 (2) KHC 290]** and reiterated in **Rajalekshmi P. v. State of Kerala [2023 (3) KHC 491]**, the role of a Temple Advisory Committee constituted under Section 31A of the Act, the activities of which are regulated by the bye-laws framed under sub-section (3) of Section 31A of the Act, in a temple under the management of the Travancore Devaswom Board is to assist the Board and its officials to discharge its functions under the provisions of Section 15A of the Act.

34. The provisions under Section 76A of the Act which deals with the formation of the Temple Advisory Committees in temples under the management of the Cochin Devaswom Board is *pari materia* to the provisions under Section 31A of the Act, which deals with the formation of Temple Advisory Committees in temples under the management of the Travancore Devaswom Board. The only distinction regarding membership in the registered mandalam of the devotees is that while clause (3) of



the bye-law (Rules) framed under sub-section (3) of Section 31A of the Act restricts membership in the registered mandalam for the devotees who are residing within a distance of 5 kms from the temple, clause (3) of the bye-law (Rules) framed under sub-section (3) of Section 76A of the Act restricts membership in the registered mandalam for the devotees born and brought up and residing within the traditional boundaries of the temple. Therefore, the law laid down by this Court in **Major Vellayani Devi Temple Advisory Committee [2023 (2) KHC 290]** and **Rajalekshmi P. [2023 (3) KHC 491]** are squarely applicable in the matter of Temple Advisory Committees in the temples under the management of the Cochin Devaswom Board.

35. In **Arjunan T.N. v. President, Temple Advisory Committee and others [2012 (4) KHC 155]** a Division Bench of this Court was dealing with a DBP registered on the basis of TDB Report No.39 of 2011 of the learned Ombudsman on a complaint made by the devotees of Kaippillikkavu Bhagavathi Temple, which is a temple under the management of Travancore Devaswom Board relating to purchase of 20 cents of land in front of that temple, utilising the money collected from the devotees by the Temple Advisory Committee of that temple. The Tantri of the



temple inaugurated the collection scheme. One Somanathan, who was dealing with the affairs of the Temple Advisory Committee, and Madhusoodhanan, registered a Trust in the name Sree Bhagavathi Seva Trust and the land was purchased in the name of that Trust utilising the funds collected from the devotees. The registration of the Trust was more than two months after the collection of funds and the property was got conveyed in favour of Madhusoodhanan, Somanathan and Raveendran on behalf of that Trust. The Division Bench held that the acquisition on behalf of Sree Bhagavathi Seva Trust is, obviously, in the form of a dedication to the deity of the temple concerned and such dedication has been made utilising the funds collected from the public at large, that too, by an entity acting on behalf of the people, who were prepared to make such dedication. For such collection, receipts have been issued by the Convenor of the Land Endowment Scheme, a conglomeration of well minded devotees. It has to be presumed that the benefit of such collection is for the purpose of the deity. Under such circumstances, the Division Bench held that the extent of 20 cents of land covered by document No.6540/2006 is an item of property which stands dedicated in favour of the deity and the purchase of the land



utilising the amounts was only for the sake of; in favour of; and, in the course of dedication to, the deity. The Travancore Devaswom Board holds all the properties of the temples under its control, in terms of the provisions of the Travancore - Cochin Hindu Religious Institutions Act. Therefore, the Division Bench declared that the land covered by the aforesaid document and all structures standing thereon vest absolutely in the deity of Kaippallikkavu Bhagavathi Temple and those properties can only be managed by the Travancore Devaswom Board. Any person occupying such property, including Sree Bhagavathi Seva Trust, shall cease to occupy that parcel and it will be exclusively under the management and control of the Travancore Devaswom Board on behalf of the deity.

36. In **Murukan K.K. v. Travancore Devaswom Board [2015 (1) KHC SN 17]** a Division Bench of this Court held that in view of the law laid down in **Arjunan T.N. [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 collection is for the benefit of the deity. Therefore, the 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 into 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.

37. The law laid down by this Court in **Arjunan T.N. [2012 (4) KHC 155]** and **Murukan K.K. [2015 (1) KHC SN 17]** in the context of temples under the management of the Travancore Devaswom Board apply with equal force in the case of temples under the management of the 1st respondent Cochin Devaswom Board, since as in the case of Travancore Devaswom Board, the Cochin Devaswom Board is also a trustee in management of the



properties of the deity, who is a perpetual minor.

38. The learned Standing Counsel for Cochin Devaswom Board would submit that by Ext.R1(e) order dated 01.10.2024, the additional 14th respondent Chief Vigilance Officer has been directed to conduct an enquiry regarding the fake Instagram account in the name of Sree Poornathrayeesa Kshethram and the said decision of the Board is one taken even prior to the filing of this writ petition. Based on the report of the Chief Vigilance Officer, the Board will take an appropriate decision in the matter.

39. Having considered the pleadings and materials on record and also the submissions made at the Bar, we deem it appropriate to dispose of this writ petition by directing the 1st respondent Cochin Devaswom Board to take necessary steps to ensure that there is no exploitation of the devotees of the temples under its management with regard to online pooja booking, online donations, etc., through fake websites, Instagram accounts, etc. The 1st respondent Board shall finalise the proceedings pursuant to Ext.R1(e) order dated 01.10.2024 after considering the report of the additional 14th respondent Chief Vigilance Officer, after affording an opportunity of being heard to the 1st petitioner, as a representative of the petitioners (as suggested by the learned



counsel for the petitioners), additional respondents 11 and 12 and also the members of the former Temple Advisory Committee against whom there are allegations in the report of the Chief Vigilance Officer, as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment.

It is also ordered that the details regarding the official website and official Instagram account of the temples under the management of Cochin Devaswom Board shall be exhibited at prominent places in the respective temples, for the information of the devotees, so as to enable them to avail online facility. The Temple Advisory Committees of the temples under the management of Cochin Devaswom Board or its members shall not be permitted to collect money from the devotees through websites, Instagram accounts, etc. The Vigilance Wing of the Cochin Devaswom Board, headed by the additional 14th respondent Chief Vigilance Officer, shall have a constant vigil against exploitation of the devotees with regard to online pooja booking, online donations, etc., through fake websites, Instagram accounts, etc., in the name of the respective temples. Persons behind such fake websites, Instagram accounts, etc., shall be



proceeded against, in accordance with law, by submitting proper complaints before the Station House Officer of the concerned Police Station. The 1st respondent Board shall take necessary steps to provide online pooja booking, online donations, etc., in respect of all major temples under its management, if not already provided, for the convenience of the devotees.

Sd/-

ANIL K. NARENDRA, JUDGE

Sd/-

P. V. BALAKRISHNAN, JUDGE

scl

APPENDIX OF WP(C) 35495/2024

PETITIONER EXHIBITS

- Exhibit -P1 THE DETAILS OF THE INSTAGRAM ACCOUNT
- Exhibit -P2 PHOTOCOPY OF THE NEWS ON THE FAKE INSTAGRAM PAGE, THAT APPEARED IN THE E-PAPER OF KERALA KAUMUDI

RESPONDENT EXHIBITS

- Exhibit R12 A The true copy of the Order No.A5.7913/2022 dtd 16.07.2022 issued by the 1st respondent.
- Exhibit R12 B The true copy of the minutes of the meeting of the Temple Advisory Committee dtd 30.07.2022
- Exhibit R12 C The true copy of the minutes of the meeting of the Temple Advisory Committee dtd 01.11.2023
- Exhibit R12 D The screenshot of the Instagram account of the Temple with the mobile number of the additional 12th respondent.
- Exhibit R12 F The true copy of the Surrender Letter dtd 16.07.2024 issued by Sree Poomathrayesa Kshetra Upadesaka Samithi to the 3rd respondent.
- Exhibit R12 E The true copy of the minutes of the meeting of the Temple Advisory Committee dated 02.07.2024.
- EXHIBIT R 1 (a) True copy of Order No. A3.-10850/24 dated 02/09/2024 issued by the first respondent.
- EXHIBIT R 1 (b) True copy of order bearing No. A5. 11252/24 dated 27/09/2024 issued by the first respondent
- EXHIBIT R 1 (c) True copy of order No.A3. 10850/24 dated 08/11/2024 issued by the 2nd respondent
- EXHIBIT R 1 (d) True copy of the minutes of the meeting



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forming various subcommittees dated
06/10/2024

EXHIBIT R 1 (e)

True copy of order bearing No. C.S.
12186/2024 dated 01/10/2024 issued by the
2nd respondent, along with its enclosure