



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE G. GIRISH

FRIDAY, THE 15TH DAY OF DECEMBER 2023/24TH AGRAHAYANA, 1945

W.P. (C)NO.41819 OF 2023

PETITIONERS:

- 1 JAYAKUMAR J. ,
AGED 60 YEARS,
S/O. JANARDHANAN N. , RESIDING AT KARAMEL
VADAKKATHIL VEEDU, THURUTHIKKARA P.O. ,
KUNNATHOOR, KOLLAM, PIN - 690540
- 2 OMANAKUTTAN PILLAI B. ,
AGED 60 YEARS,
S/O. BHASKARAN PILLAI, RESIDING AT ANOOP
BHAVANAM, KIDANGAYAM, KANNIMEL NORTH,
MYNAGAPPALLY P.O. , KOLLAM, PIN - 690515

BY ADVS.
J.VISHNU
SAJITH KUMAR V.

RESPONDENTS:

- 1 THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT,
REVENUE (DEVASWOM DEPARTMENT), GOVERNMENT OF
KERALA, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, DEVASWOM BOARD
HEADQUARTERS, NANATHANCODE, KAWDIAR P. O. ,
THIRUVANANTHAPURAM, PIN - 695003
- 3 ASSISTANT DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, KARUNAGAPPALLY GROUP,
CHAKKUVALLY, KOLLAM, PIN - 691001



- 4 THE SUB GROUP OFFICER,
TRAVANCORE DEVASWOM BOARD, KARUNAGAPPALLY GROUP,
CHAKKUVALLY, KOLLAM, PIN - 691001
- 5 THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION, KOLLAM, PIN - 691013
- 6 THE STATION HOUSE OFFICER,
SOORANAD POLICE STATION, CHAKKUVALLY, SOORANAD,
KOLLAM, PIN - 690520
- 7* THE CHIEF SECRETARY
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM, PIN- 695 001

*ADDL. R7 IS IMPEADED AS PER ORDER DATED
15.12.2023 IN I.A.NO.1 OF 2023

BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
SANTHOSH KUMAR G
T.S.SHYAM PRASANTH, GOVERNMENT PLEADER
SRI.ASOK M.CHARIYAN, SC, KFWFB(SC-1084)

OTHER PRESENT:

SRI ASOK M.CHERIAN - ADDL. ADVOCATE GENERAL

SRI G.SANTHOSH KUMAR - STANDING COUNSEL-
TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15.12.2023, ALONG WITH WP(C).42081 OF 2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE G. GIRISH

FRIDAY, THE 15TH DAY OF DECEMBER 2023/24TH AGRAHAYANA, 1945

W.P. (C)NO.42081 OF 2023

PETITIONERS:

- 1 JYOTHISH C. ,
AGED 42 YEARS,
S/O CHELLAPPAN, PANAMOOTIL, ERAICHIRA EAST,
SOORANAD.P.O., KOLLAM, PIN - 690522
- 2 ARUN GOPI G. ,
AGED 33 YEARS,
S/O GOPI, ARUN VIHAR,NADUVILEMURI,
PORUVAZHY,CHATHAKULAM P.O, KOLLAM, PIN - 690520

BY ADVS.
R.KRISHNA RAJ
E.S.SONI

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE (DEVASWOM) KERALA
GOVERNMENT SECRETARIAT,
THIRUVANANATHAPURAM, PIN - 695001
- 2 TRAVANCORE DEVASWOM BOARD,
DEVASWOM HEADQUARTERS, NANTHANCODE, KAWDIAR P.O.,
THIRUVANANTHAPURAM REPRESENTED BY ITS SECRETARY,
PIN - 695003
- 3 DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD DEVASWOM BUILDINGS,
NANTHANCODE, KAWDIAR P.O,



THIRUVANANTHAPURAM, PIN - 695003

4 ASSISTANT COMMISSIONER,
TRAVANCORE DEVASWOM BOARD KARUNAGAPALLY,
KOLLAM, PIN - 690518

5 SUB GROUP OFFICER,
CHAKKUVALLY DEVASWOM SOORANAD.P.O.,
KOLLAM, PIN - 690522

*6 CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM

**7 DISTRICT COLLECTOR
COLLECTORATE, CIVIL STATION, KOLLAM -691013

ADDL.R6 & R7 IMPEADED AS PER ORDER DATED
15.12.2023 IN I.A.NO.2 OF 2023

BY ADV SANTHOSH KUMAR G.

OTHER PRESENT:

SRI ASOK M.CHERIAN - ADDL. ADVOCATE GENERAL

SRI G.SANTHOSH KUMAR - STANDING COUNSEL-
TRAVANCORE DEVASWOM BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15.12.2023, ALONG WITH WP(C).41819 OF 2023, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

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

The issue raised in these writ petitions relates to the conduct of 'Nava Kerala Sadas' in the Devaswom land of Chakkuvally Sree Parabrahma Temple, which is a temple under the management of the Travancore Devaswom Board.

2. W.P.(C)No.41819 of 2023 is filed by two devotees of Chakkuvally Sree Parabrahma Temple seeking a writ of certiorari to call for the records leading to the decision taken by the 2nd respondent Travancore Devaswom Board allowing the conduct of 'Nava Kerala Sadas', which is scheduled to be held on 18.12.2023, in the premises of Chakkuvally Sree Parabrahma Temple; a writ of mandamus commanding the 1st respondent State to abstain from holding 'Nava Kerala Sadas' in the premises of Chakkuvally Sree Parabrahma Temple or any other temple premises; and a declaration that the decision of the 1st respondent State and the 2nd respondent Travancore Devaswom Board to conduct 'Nava Kerala Sadas' in the premises of Chakkuvally Sree Parabrahma Temple is *per se* illegal and violative of Article 25 of the Constitution of India.



3. W.P.(C)No.42081 of 2023 is filed by two other devotees of Chakkuvally Sree Parabrahma Temple seeking a writ of mandamus commanding the 2nd respondent Travancore Devaswom Board and its officials, who are arrayed as respondents 3 to 5, not to permit the conduct of 'Nava Kerala Sadas', which is scheduled to be held on 18.12.2023, in the compound of Chakkuvally Sree Parabrahma Temple, which is under the management of the Board; and a writ of mandamus commanding the Board and its officials not to allow any activity in the premises of Chakkuvally Sree Parabrahma Temple, which are not connected with or arising from the worship, usages and observations of that temple, in violation of the provisions of the Hindu Places of Worship (Authorisation of Entry) Act, 1965 and the Rules made thereunder.

4. Going by the averments in the writ petitions, Chakkuvally Sree Parabrahma Temple has a large compound, which is called 'Padanilam', surrounded by a compound wall. Near the eastern boundary and near the north-eastern corner of that property, there are buildings in which a Central School managed by the Board is functioning. A religious ceremony by the name 'Pandrandu vilakku' in Chakkuvally Sree Parabrahma Temple will take place in 'Padanilam'. On the eastern side of the Padanilam,



there is Chamudeswari Devi Nada. 'Lakshadeepam' is being conducted in 'Padanilam', by the end of 'Mandala Chirapu', which is scheduled to be held on 27.12.2023. In order to substantiate the said fact that 'Lakshadeepam' is being conducted in 'Padanilam', Ext.P8 photograph is placed on record in W.P.(C)No.42081 of 2023. After referring to various provisions in the Travancore-Cochin Hindu Religious Institutions Act, 1950, the provisions under the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 and the Rules made thereunder, i.e., the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965, the petitioners in W.P.(C)Nos.41819 and 42081 of 2023 would contend that an activity like 'Nava Kerala Sadas' cannot be permitted to be conducted in the premises of Chakkuvally Sree Parabrahma Temple. In order to substantiate the said contention, various photographs are placed on record in both the writ petitions.

5. Along with a memo dated 13.12.2023 filed by the learned Standing Counsel for Travancore Devaswom Board a copy of order ROC No.13961/23/CBSE dated 11.12.2023 of the Travancore Devaswom Board granting permission for the conduct of 'Nava Kerala Sadas' in the ground of Chakkuvally Central School, which is under the management of the Travancore Devaswom



Board, is placed on record. The said order reads thus;

തിരുവിതാംകൂർ ദേവസ്വം ബോർഡ് പ്രൊസീഡിംഗ്സ്
സംഗ്രഹം

വിഷയം - സി.ബി.എസ്.ഇ - ചക്കുവള്ളി തിരുവിതാംകൂർ
ദേവസ്വം ബോർഡ് സെൻട്രൽ സ്കൂൾ - നവകേരള സദസ്സ്
നടത്തുന്നത് സംബന്ധിച്ച് ഉത്തരവാകുന്നു.

ROC No.13961/23/CBSE
11/12/2023

നന്തൻകോട്

പരാമർശം: ചക്കുവള്ളി തിരുവിതാംകൂർ ദേവസ്വം
ബോർഡ് സെൻട്രൽ സ്കൂൾ പ്രിൻസിപ്പലിന്റെ 06.12.2023-
ലെ കത്ത്

ഉത്തരവ്

ബഹു.കേരള മുഖ്യമന്ത്രിയും മന്ത്രിമാരും പങ്കെടുക്കുന്ന
കുന്നത്തൂർ നിയോജക മണ്ഡലത്തിലെ നവകേരള സദസ്സ് 2023
ഡിസംബർ 18 ന് തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിനു
കീഴിലുള്ള ചക്കുവള്ളി സെൻട്രൽ സ്കൂൾ മൈതാനത്ത് വച്ച്
നടത്തുവാൻ നിശ്ചയിച്ചിട്ടുള്ളതാണെന്നും, ആയതിലേക്കായി
എത്തുന്ന വി ഐ പി-കൾക്കും പൊതുജനങ്ങൾക്കും
ഉപയോഗിക്കുന്നതിനായി സ്കൂളിന് അകത്തും പുറത്തുമുള്ള
ടോയ്ലറ്റുകൾ പ്രവർത്തനക്ഷമമാക്കണമെന്നും ആവശ്യമായ
ജലലഭ്യത ഉറപ്പ് വരുത്തുന്നതിനാവശ്യമായ നടപടികൾ
സ്വീകരിക്കണം എന്നും അഭ്യർത്ഥിച്ച് കുന്നത്തൂർ നിയോജക
മണ്ഡലം നോഡൽ ഓഫീസറുടെ കത്ത് ലഭ്യമായിട്ടുള്ളതാണെന്ന്
വിവരിച്ച് ടി സ്കൂൾ പ്രിൻസിപ്പലിന്റെ സൂചന കത്ത്
ലഭിച്ചിട്ടുള്ളതാണ്.

ബോർഡ് ഇക്കാര്യം വിശദമായി പരിശോധിച്ചു ചർച്ച ചെയ്തു
നിയമാനുസൃതമുള്ള വാടക ഈടാക്കി, പരിപാടിക്ക് ശേഷം
നവകേരള സദസ്സ് നോഡൽ ഓഫീസറുടെ ഉത്തരവാദിത്വത്തിൽ
മാലിന്യങ്ങൾ നീക്കം ചെയ്ത് പൂർവ്വ സ്ഥിതിയിലാക്കാമെന്നും,
ക്ഷേത്രാചാരങ്ങൾക്ക് വിരുദ്ധമായ ഭക്ഷണ പദാർത്ഥങ്ങൾ
ഉപയോഗിക്കാൻ പാടില്ല എന്ന വ്യവസ്ഥയും ഉൾക്കൊണ്ടിച്ച്
എഗ്രിമെന്റ് വച്ച് 2023 ഡിസംബർ 18-ന് കുന്നത്തൂർ
നിയോജക മണ്ഡലത്തിലെ നവകേരള സദസ്സ് തിരുവിതാംകൂർ
ദേവസ്വം ബോർഡിനു കീഴിലുള്ള ചക്കുവള്ളി സെൻട്രൽ
സ്കൂൾ മൈതാനത്ത് വച്ച് നടത്തുന്നതിന് അനുമതി നൽകി
ബോർഡുത്തരവാകുന്നു.

തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന് വേണ്ടി
സെക്രട്ടറി

6. Along with I.A.No.2 of 2023 in W.P.(C)No.41819 of 2023



the petitioners have placed on record Exts.P11 and P12 photographs showing the erection of a pandal for 'Nava Kerala Sadas' in the Devaswom land of Chakkuvally Sree Parabrahma Temple and Exts.P13 and P14 aerial photographs with description showing the layout of the temple and other buildings in the Devaswom land. In respect of Poruvazhi Market, which is marked in the aerial photographs, a writ petition is pending before this Court, in which it is alleged that the said market is in the Devaswom land.

7. On 14.12.2023, when these writ petitions came up for consideration, this Court directed that the counter affidavit of the District Collector, Kollam, who is the Nodal Officer for 'Nava Kerala Sadas' shall be placed on record by today (15.12.2023). The learned Standing Counsel for Travancore Devaswom Board was directed to ensure that the counter affidavit on behalf of the Board is placed on record by today, producing therewith a detailed site plan showing the location of the temple structures and other buildings in the Devaswom land of Chakkuvally Sree Parabrahma Temple. In the site plan, the location of all temporary structures that are being erected in connection with the Nava Kerala Sadas shall also be marked.



8. A counter affidavit dated 15.12.2023 has been filed by the Board and its officials, producing therewith Ext.R2(b) site plan prepared by the Assistant Engineer, Travancore Devaswom Board. The learned Government Pleader has filed a counter affidavit dated 14.12.2023 of the District Collector, Kollam, who is the Nodal Officer for 'Nava Kerala Sadas', which is scheduled to be held on 18.12.2023, in the Devaswom land of Chakkuvally Sree Parabrahma Temple.

9. Heard the learned counsel for the petitioners in the respective writ petitions, the learned Additional Advocate General for the State and official respondents and the learned Standing Counsel for Travancore Devaswom Board for the Board and its officials.

10. The issue that requires consideration in these writ petitions is as to whether any interference is warranted on the permission granted by the Travancore Devaswom Board, vide order ROC No.13961/23/CBSE dated 11.12.2023, for conducting 'Nava Kerala Sadas' in the Devaswom land of Chakkuvally Parabrahma Temple on 18.12.2023 at 6.00 p.m., subject to the condition stipulated therein.

11. 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. As per the provisions under Section 3 of the Act, the administration of incorporated and unincorporated Devaswoms shall vest in the Travancore Devaswom Board.

12. As per Section 15A of the Act, 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.

13. Section 31 of the Act deals with management of Devaswoms. 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.

14. Section 31A of the Act deals with the formation of the Temple Advisory Committees. As per subsection (1) of Section 31A of the Act, 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) of Section 31A, the Temple Advisory Committee constituted under sub-section (1) may be approved by the Board. As per sub-section (3) of Section 31A, the composition of an Advisory Committee under sub-section (1) shall be in such manner as may be prescribed by the rules made by the Board, not inconsistent with any practice prevailing, if any. In terms of sub-section (3) of Section 31A of the Act, the Travancore Devaswom Board framed the Rules for the formation of Temple Advisory Committees in the temples under the management of the Board, which has been approved by this Court vide order dated 03.11.2011 in DBA No.153 of 2009.

15. In view of the law laid down by a Division Bench of this Court in **Major Vellayani Devi Temple Advisory Committee v. State of Kerala [2023 (2) KHC 290]**, in which one among us [Anil K. Narendran, J.] was a party, 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 temples under its management are performed promptly; and to establish and maintain proper facilities in the temples under its management 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 Devaswoms and arrange for the conduct of the daily worship and ceremonies and of the festivals in the temples under its management 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 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. The law laid down by the Division Bench in **Major Vellayani Devi Temple Advisory Committee [2023 (2) KHC 290]** was reiterated in **Rajalekshmi P. v. State of Kerala [2023 (3) KHC 491]**.



16. Along with I.A.No.1 of 2023 in W.P.(C)No.42081 of 2023, the petitioners have placed on record Ext.P9 notice issued by the Temple Advisory Committee of Chakkuvally Sree Parabrahma Temple regarding Panthrandu Vilakku Maholsavam. As per that notice, Mandala Maasacharanam in Chakkuvally Sree Parabrahma Temple situated in Chakkuvally Padanilam, without a Sreekovil will commence on 1st of Vrischikam (23.11.2023 till 27.12.2023). From 1st Vrischikam onwards Bhagavatha Parayanam, Panchakshari Mantra Japam, Deepakkazhcha and Deeparadhana will be conducted in the temple. The document marked as Ext.P10 is a true copy of receipt No.437036, issued by the Sub Group Officer, Chakkuvally Devaswom to one devotee by name, Satheesh Chandran. According to the petitioners in W.P.(C)No.42081 of 2023, the said receipt is for performing Aghanta Naama Japam, which is going on in the temple every day from 6.00 a.m. to 7.30 p.m. In addition to this, Ahoratra Paarayanam takes place in the temple from 6.00 a.m to 6.00 a.m. According to the petitioners in W.P.(C)No.42081 of 2023, Ahoratra Paarayanam in the temple will have to be stopped if 'Nava Kerala Sadas' is permitted to be conducted in the Padanilam. In addition to this, Aghanta Naama Japam scheduled to be performed on 18.12.2023, as evidenced by



Ext.P10 receipt issued by the Sub Group Officer, Chakkuvally Devaswom could not be conducted if 'Nava Kerala Sadas' is permitted to be conducted in the Padanilam.

17. Since I.A.No.1 of 2023 in W.P.(C)No.42081 of 2023 was filed only on 14.12.2023, the learned Standing Counsel for Travancore Devaswom Board obtained telephonic instructions from the Sub Group Officer, Chakkuvally Devaswom. The learned Standing Counsel, on instructions, would submit that Ext.P10 receipt is one issued by the Sub Group Officer, Chakkuvally Devaswom, to a devotee by name Satheesh Chandran. According to the Sub Group Officer, the said receipt is one issued for performing Ganapathi Homam on 18.12.2023. The learned counsel for the petitioner would point out that the Sub Group Officer, Chakkuvally Devaswom collected an amount of Rs.400/- from the devotee by name Satheesh Chandran towards current charges, as evident from Ext.P10 receipt. On a query made by this Court, the learned Standing Counsel would submit that collection of electricity charges is not permissible for performing Ganapathi Homam.

18. The provisions under the Travancore-Cochin Hindu Religious Institutions Act make it explicitly clear that the role assigned to the Travancore Devaswom Board in the administration,



supervision and control of incorporated and unincorporated Devaswoms is that of a trustee in the management of the properties vested in the Deity, which is bound to administer, supervise and control incorporated and unincorporated Devaswoms in accordance with the provisions under the said Act. The Board and its officials are duty bound to function within the framework of the statute, by scrupulously following the stipulations contained therein, and acting strictly in accordance with the settled legal principles relating to the administration of Hindu religious trust. The Board, being a trustee in the management of Devaswom properties, is legally bound to perform its duties with utmost care and caution.

19. The Temple Advisory Committee constituted under Section 31A of the Act, consisting of 'persons interested' in the temple, as defined under clause (d) of Section 2 of the Act, is duty bound to function within the framework of the statute by scrupulously following the stipulations contained therein and acting strictly in accordance with the settled legal principles relating to the administration of Hindu religious trust. The Committee is legally bound to perform its duties with utmost care and caution. The Temple Advisory Committee is duty bound to



render necessary assistance to the Travancore Devaswom Board to perform its functions enumerated in clauses (i) to (iv) of Section 15A, in relation to the temple, which includes duty to see that regular traditional rites and ceremonies according to the practice prevalent in the temple are performed promptly; and to establish and maintain proper facilities in the temple for the devotees.

20. In the counter affidavit filed by the District Collector, Kollam, who is the Nodal Officer of 'Nava Kerala Sadas', it is stated that Nava Kerala Sadas of Kunnathur LAC is scheduled to be conducted on 18.12.2023 at 6.00 p.m. in the ground of the Devaswom Board Central School and it is decided to collect petitions from 3.00 p.m. onwards. A 'Kuriyala' (a small religious construction) is situated outside the temple boundary wall and the same is separated with temporary barricades as part of the construction of the Pandal for 'Nava Kerala Sadas'. The programme in connection with the 'Nava Kerala Sadas' will not affect the poojas or functioning of the temple or the entry of the devotees to the temple. Further, there is no demolition of the compound wall or any other constructions in the school or the temple premises for 'Nava Kerala Sadas'.

21. The small religious construction referred to in paragraph



4 of the counter affidavit filed by the District Collector is Chamundeswari Devi Nada of Chakkuvally Sree Parabrahma Temple. The fact that the proposed Pandal for 'Nava Kerala Sadas' is only few meters away from the temple structures is not in serious dispute. The said fact is evident from Ext.R2(b) site plan dated 14.12.2023 of the Devaswom land of Chakkuvally Sree Parabrahma Temple, prepared by the Assistant Engineer, Travancore Devaswom Board, Karunagappally, produced along with the counter affidavit filed by respondents 2 to 5 in W.P.(C)No.42081 of 2023. As per Ext.R2(b) site plan, the pandal of 'Nava Kerala Sadas' is about 3.6 meters away from the temple wall (Ilamathil) enclosing the Sreekovil. Similarly, it is around 16.60 meters away from the Chamundeswary Devi Nada (sub-shrine).

22. In the counter affidavit filed on behalf of the Travancore Devaswom Board, it is stated that 'Nava Kerala Sadas' is a concept of 'Cabinet on Wheels' in which the Chief Minister along with the entire Ministers are addressing the gathering of the public, accepting complaints from the public and resolving the same. The said program, which is a purely public function, does not cause any obstruction to the temple or its day-to-day activities. Therefore,



the Board has granted permission as per Ext.R2(a) order dated 11.12.2023, based on which the Assistant Devaswom Commissioner, Karunagappally executed necessary agreement with the Assistant Development Commissioner, Kollam on 13.12.2023 and an amount of Rs.10,620/- (including GST) has been remitted vide receipt No.1. Apart from that an amount of Rs.2,360/- (including GST) has also been remitted towards usage of the school building.

23. In view of the provisions under the Travancore-Cochin Hindu Religious Institutions Act, the role assigned to the Travancore Devaswom Board in the administration, supervision and control of Chakkuvally Devaswom is that of a trustee in the management of the properties vested in the Deity, and the Board is bound to administer, supervise and control the said Devaswom, in accordance with the provisions under the said Act. The Board and its officials are duty bound to function within the framework of the statute, by scrupulously following the stipulations contained therein, and acting strictly in accordance with the settled legal principles relating to the administration of Hindu religious trust. The Board, being a trustee in the management of the properties of Chakkuvally Devaswom, is legally bound to perform its duties



with utmost care and caution.

24. We notice that the counter affidavit filed on behalf of the Travancore Devaswom Board is silent on the daily worship, regular traditional rites and ceremonies according to the practice prevalent in Chakkuvally Sree Parabrahma Temple, though the Board has a statutory duty to see that such rites, ceremonies, etc., according to the practice prevalent in the said temple are performed promptly and to arrange for the conduct of the daily worship and ceremonies and of the festivals, according to the usage. On a query made by this Court, the learned Standing Counsel for Travancore Devaswom Board would submit that there is a Shanti employed by the Travancore Devaswom Board in Chakkuvally Sree Parabrahma Temple, who is regularly performing the pooja from 5.30 a.m. to 10.00 a.m. The learned counsel for the petitioners in the respective writ petitions would submit that there is Deeparadhana in the evening at Chamundeswary Devi Nada, which according to the learned Standing Counsel for Travancore Devaswom Board is the lighting of lamps by the members of the Temple Advisory Committee, which takes place at 6.00 p.m.

25. Having considered the pleadings and materials on



record and also the submissions made at the Bar, we find that while allowing the conduct of 'Nava Kerala Sadas' in the Devaswom land of Chakkuvally Sree Parabrahma Temple on 18.12.2023 at 6.00 p.m., vide Ext.R2(a) order dated 11.12.2023, the Travancore Devaswom Board, which is a trustee in management of the properties vested in the deity, which the Board is duty bound to administer, supervise and control strictly in accordance with the settled legal principles relating to the administration of Hindu religious trust, failed miserably to perform its duties with utmost care and caution. As already noticed hereinbefore, the counter affidavit filed on behalf of the Travancore Devaswom Board is silent on the daily worship, regular traditional rites and ceremonies according to the practice prevalent in Chakkuvally Sree Parabrahma Temple.

26. 'Deva' means God and 'swom' means ownership in Sanskrit and the term 'Devaswom' denotes the property of God in common parlance. [see: **Prayar Gopalakrishnan and another v. State of Kerala and others - 2018 (1) KHC 536**]

27. 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.

28. 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 *parents patriae* will also apply in exercising the jurisdiction.

29. In the counter affidavit filed by the District Collector, who is the Nodal Officer of 'Nava Kerala Sadas', it is stated that the program site is situated in Re.Survey Block No.5, Survey No.93 of Poruvazhi Village in Kunnathur Taluk of Kollam District. As per the revenue records, the said 2.48.96 hectors of land belongs to 'puramboke' and is now under the possession of the Travancore Devaswom Board. Chakkuvally Sree Parabrahma Temple and the Devaswom Board Central School are situated in the above 'puramboke' land. The school premises and the temple premises are presently separated with a permanent boundary wall. 'Nava Kerala Sadas' is scheduled to be conducted on the school premises only.

30. The statement made in the counter affidavit filed by the District Collector that 'Nava Kerala Sadas' is scheduled to be conducted on the school premises only is factually incorrect, which is evident from Ext.R2(b) site plan prepared by the concerned



Assistant Engineer of the Travancore Devaswom Board, which is placed on record along with the counter affidavit filed on behalf of the Board. As pointed out by the learned counsel for the petitioners in W.P.(C)No.41819 of 2023, the protection of Devaswom land of Chakkuvally Sree Parabrahma Temple was the subject matter in W.P.(C)No.5025 and 7899 of 2010 filed by the devotees, in which the reliefs sought for was to remove the encroachment from the Devaswom land comprised in Survey No.478/7 (Block No.5, Re-survey No.93) of Poruvazhi Village and Survey Nos.62/1 and 62/7 (Block No.2, Re-survey No.909/7, 910 and 914) of Sooranadu North Village. Those writ petitions were disposed of by Ext.P9 judgment dated 11.11.2016, directing the Special Tahsildar, Land Conservancy Unit, Travancore Devaswom Board to take necessary steps to evict the encroachments from that land and to entrust the properties to the Devaswom, at the earliest, within a period of one month from the date of receipt of a certified copy of that judgment. The very same issue was the subject matter in W.P.(C)No.33229 of 2017 and connected matters, which was disposed of by Ext.P10 judgment of this Court dated 13.03.2018 in W.P.(C)No.41819 of 2023. In such circumstances, we find no force in the contention raised in the counter affidavit filed by the District Collector that the



land in question is puramboke land.

31. During the course of arguments, the learned counsel for the petitioners in the respective writ petitions would place reliance on the provisions under the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965.

32. Clause (b) of Section 2 of the Act defines 'place of public worship' to mean a place, by whatever name known or to whomsoever belonging, which is dedicated to, or for the benefit of, or is used generally by, Hindus or any section or class thereof, for the performance of any religious service or for offering prayers therein, and includes all lands and subsidiary shrines, mutts, devasthanams, namaskara mandapams and nalambalams, appurtenant or attached to any such place, and also any sacred tanks, wells, springs and water courses the waters of which are worshipped, or are used for bathing or for worship but does not include a 'sreekoil'.

33. In exercise of the powers conferred by Section 4 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 and in supersession of the rules published under notification No.G.O.(Ms).No.164 Firka Development (Madras) dated 23.03.1948 in the Rules in supplement to Part I of the Fort



St.George Gazette dated 06.04.1948, the Government of Kerala made the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965. Rule 3 of the said Rules reads thus;

“3. The classes of persons mentioned hereunder shall not be entitled to enter or offer worship in any place of public worship or bathe in or use the waters of any sacred tank, well, spring or watercourse appurtenant to a place of public worship whether situate within or outside the precincts thereof or any sacred place including a hill or hillock or a road, street, or pathway which is requisite for obtaining access to the place of public worship-

- (a) Persons who are not Hindus.
- (b) Women at such a time during which they are not by custom and usage allowed to enter a place of public worship.
- (c) Persons under pollution arising out of birth or death in their families.
- (d) Drunken or disorderly persons.
- (e) Persons suffering from any loathsome of contagious disease.
- (f) Persons of unsound mind except when taken for worship under proper control and with the permission of the executive authority of the place of public worship concerned.
- (g) Professional beggars when their entry is solely for the purpose of begging.”

34. As per Rule 5, no person shall - (i) within the premises of any place of public worship spit, chew betel, tobacco or any



similar article, or smoke or carry with him in to the temple any article for smoking, or (ii) take to the premises of any place of public worship fish, eggs, meat, flesh, toddy, arrack or other intoxicants, or any article or animal inappropriate according to the custom usage of the place of public worship concerned, or (iii) do any act which is opposed to custom or established usage of the place of public worship or would tend to derogate from the purity and cleanliness of the place of public worship and its premises.

35. As per Rule 6, no person shall interrupt the worship in a place of public worship by loud conversations or other demonstrations which will derogate from the solemnity or the proper atmosphere of worship in the place of public worship. As per Rule 8, the place of public worship and premises shall not be used for purposes not connected with or arising from the worship, usages and observations of such places of public worship.

36. Though the learned counsel for the petitioners in W.P.(C)No.42081 of 2023 addressed arguments with specific reference to the restrictions in Rule 3 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, we do not propose to consider that contention in this proceedings, since admittedly an educational institution with the approval of Central Board of



Secondary Education (CBSE) is functioning in the Devaswom land of Chakkuvally Sree Parabrahma Temple. There is no boundary wall on the western side of the school building, separating the temple premises, from the school compound.

37. We notice that when the District Joint Director, Local Self Government Department, Kollam submitted an application dated 17.11.2023 before the Assistant Devaswom Commissioner, Karunagappally seeking permission to conduct 'Nava Kerala Sadas' in the premises of Chakkuvally Sree Parabrahma Temple, a complaint was preferred on behalf of the devotees, which was also forwarded to the Devaswom Commissioner, on 24.11.2023, by the Assistant Devaswom Commissioner, for further action. However, the said complaint finds no reference in Ext.R2(a) Board order dated 11.12.2023, whereby permission has been granted for conducting 'Nava Kerala Sadas' in the Devaswom land in question. We also notice that, though in the counter affidavit filed on behalf of the Board, it is stated that the School ground is having an extent of 1 Acre of land and the same is situated near to the Ilamathil of the temple, the extent of the school compound is not mentioned in the said counter affidavit filed.

38. The learned Additional Advocate General would submit



that since the proposed site for erecting the pandal for 'Nava Kerala Sadas' is only few meters away from the temple structures, going by Ext.R2(b) sketch, the pandal can be shifted to another location within the premises of Chakkuvally Sree Parabrahma Temple.

39. In **Major Vellayani Devi Temple Advisory Committee [2023 (2) KHC 290]**, this Court held that politics has no role to play in the conduct of daily worship and ceremonies and festivals in temples. In **Hindu Seva Kendram v. State of Kerala and others [2023 (3) KHC 258]**, this Court held that cultural or social activities unconnected with temple worship have no role to play in temple festivals. In **K.B.Sumodh v. Commissioner, Cochin Devaswom Board [2023:KER:25530]**, this Court held that Vadakkumnatha Kshethra Maidan (Thekkinkadu Maidan) is a Devaswom land, which is managed by the Cochin Devaswom Board as a trustee in management of Devaswom property, in terms of the provisions under the Travancore-Cochin Hindu Religious Institutions Act. There cannot be any activity in Thekkinkadu Maidan, except in accordance with the objects of the Trust. In **G.Vysan and another v. State of Kerala and others [2023:KER.52256]**, this Court held that the



temple premises cannot be used for conducting mass drill or weaponry training by the devotees or group of persons.

40. In view of the statutory provisions in the Travancore-Cochin Hindu Religious Institutions Act, the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act and the Rules made thereunder and also the law laid down in the decisions referred to supra, the temple premises of a temple under the management of the Travancore Devaswom Board cannot be permitted to be used for conducting a programme like 'Nava Kerala Sadas'. While granting permission vide Ext.R2(a) order dated 11.12.2023 for conducting 'Nava Kerala Sadas' on 18.12.2023 in the Devaswom land of Chakkuvally Sree Parabhrama Temple, the Travancore Devaswom Board failed miserably to perform its statutory duties under Sections 15A and 31 of the Act with utmost care and caution. By granting such permission, the Board openly flouted the prohibition contained in Rules 6 and 8 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules.

In the result, these writ petitions are disposed of by setting aside Ext.R2(a) order dated 11.12.2023 of the Travancore Devaswom Board granting permission for conducting 'Nava Kerala Sadas' in the Devaswom land of Chakkuvally Sree Parabrahma



Temple on 18.12.2023. The District Collector, Kollam, who is the Nodal Officer for 'Nava Kerala Sadas' shall take immediate steps to remove the temporary constructions made in the Devaswom land of Chakkuvally Sree Parabrahma Temple, forthwith.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

G. GIRISH, JUDGE

AV/MIN

APPENDIX OF WP(C) 42081/2023

PETITIONER EXHIBITS

- EXHIBIT P-1 TRUE COPY OF THE NOTICE OF NAVA KERALA SADSSU DATED NIL
- EXHIBIT P-2 TRUE COPY OF THE COMPLAINT FILED BY THE TEMPLE ADVISORY COMMITTEE TO THE ASSISTANT COMMISSIONER, TRAVANCORE DEVASWOM BOARD, KARUNAGAPPALLY DATED 28.11.2023
- EXHIBIT P-3 TRUE COPY OF THE COMPLAINT FILED BY THE TEMPLE ADVISORY COMMITTEE TO THE COMMISSIONER, TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM DATED 28.11.2023
- EXHIBIT P-4 TRUE COPY OF THE COMPLAINT FILED BY THE TEMPLE ADVISORY COMMITTEE TO THE SUB GROUP OFFICER, CHAKKUVALLY DEVASWOM, DATED 03.12.2023
- EXHIBIT P- 5 TRUE COPY OF THE LETTER OF THE SUB GROUP OFFICER DATED 03.12.2023
- EXHIBIT P- 6 TRUE COPY OF THE PHOTOGRAPH SHOWING THE PROPERTY WHERE NAVA KERALA SADASSU IS SCHEDULED TO BE HELD ON 18.12.2023
- EXHIBIT P- 7 TRUE COPY OF THE PHOTOGRAPH SHOWING THE PROPERTY WHERE NAVA KERALA SADASSU IS SCHEDULED TO BE HELD ON 18.12.2023
- EXHIBIT P- 8 TRUE COPY OF THE PHOTOGRAPH SHOWING THE LAKSHADEEPAM DATED NIL
- EXHIBIT P-9 TRUE COPY OF THE NOTICE OF THE MADALA CHIRAP DATED NIL
- EXHIBIT P-10 TRUE COPY OF THE RECEIPT NO. 437036 ISSUED BY THE TRAVANCORE DEVASWOM BOARD TO ONE SATHEESH CHANDRAN FOR AGHANTA NAMA YANJAM DATED NIL



RESPONDENT EXHIBITS

EXHIBIT-R2 (A) **TRUE COPY OF THE BOARD ORDER ROC
NO.13961/23/CBSE DATED 11/12/2023.**

EXHIBIT-R2 (B) **TRUE COPY OF THE SITE PLAN PREPARED BY
THE ASSISTANT ENGINEER, TDB,
KARUNAGAPPALLY DATED 14/12/2023.**



APPENDIX OF WP(C) 41819/2023

PETITIONER EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE RELEVANT PAGE OF THE SCHEDULE OF NAVA KERALA SADAS PUBLISHED ONLINE BY THE GOVERNMENT IN THE LINK [HTTPS://APP.NAVAKERALASADAS.KERALA.GOV.I N/NAVAKERALASADAS/SCHEDULE.DO](https://app.navakeralasadas.kerala.gov.in/navakeralasadas/schedule.do)
- EXHIBIT P1 (A) A TRUE COPY OF THE POSTER OF THE NAVA KERALA SADAS TO BE HELD AT CHAKUVALLY
- EXHIBIT P2 A TRUE COPY OF THE SCREEN CAPTURE FROM GOOGLE MAP OF THE AREA SURROUNDING THE CHAKKUVALLY PARABRAHMA TEMPLE
- EXHIBIT P3 A TRUE COPY OF THE SCREEN CAPTURE FROM GOOGLE MAP SHOWING THE DISTANCE AND PATH FROM CHAKKUVALLY PARABRAHMA TEMPLE TO TRAVANCORE DEVASWOM BOARD CENTRAL SCHOOL, CHAKKUVALLY
- EXHIBIT P4 A TRUE COPY OF THE SCREEN CAPTURE FROM GOOGLE MAP SHOWING THE LOCATION AND SURROUNDINGS OF THE TRAVANCORE DEVASWOM BOARD CENTRAL SCHOOL, CHAKKUVALLY
- EXHIBIT P5 A TRUE COPY OF THE COMPLAINT DATED 21.11.2023 SUBMITTED BEFORE THE ASSISTANT DEVASWOM COMMISSIONER, KARUNAGAPPALLY DEVASWOM GROUP
- EXHIBIT P6 A TRUE COPY OF THE COMPLAINT DATED 08.12.2023 SUBMITTED BEFORE THE STATION HOUSE OFFICER, SOORANAD POLICE STATION
- EXHIBIT P7 A TRUE COPY OF THE NEWS ARTICLE PUBLISHED IN THE KOLLAM EDITION OF THE MATHRUBHUMI NEWSPAPER DATED 08.12.2023, REGARDING THE PROTEST AGAINST CONDUCT OF NAVA KERALA SADAS IN CHAKKUVALLY PARABRAHMA TEMPLE PREMISES
- EXHIBIT P8 A TRUE COPY OF THE SCREEN CAPTURE FROM THE WEBSITE OF MADHYAM ONLINE DATED



11.12.2023 REGARDING GRANT OF PERMISSION
TO CONDUCT NAVA KERALA SADAS IN TEMPLE
PREMISES

EXHIBIT P9 A TRUE COPY OF THE JUDGMENT OF THE
DIVISION BENCH OF THIS HON'BLE COURT IN
W.P.(C).NOS.5025 & 7899 OF 2010 DATED
11.11.2016

EXHIBIT P10 A TRUE COPY OF THE JUDGMENT OF THE
DIVISION BENCH OF THIS HON'BLE COURT IN
W.P(C)NOS.33229 OF 2017 & 5768 OF 2018 &
DBP NO.93 OF 2017 DATED 13.03.2018

RESPONDENT ANNEXURES

ANNEXURE-R2 (A) TRUE COPY OF THE BOARD ORDER DATED
11/12/2023 ISSUED BY THE TRAVANCORE
DEVASWOM BOARD.

PETITIONER EXHIBITS

EXHIBIT P11 A TRUE COPY OF THE PILLARS FOR RAISING
THE PANDAL FOR HOSTING THE NAVA KERALA
SADAS, LYING AROUND IN THE TEMPLE
GROUNDS

EXHIBIT P12 A TRUE COPY OF THE PHOTOGRAPHS OF THE
COMPLETED PORTION OF THE PANDAL FOR THE
NAVA KERALA SADAS IN THE TEMPLE PREMISES

EXHIBIT P13 A TRUE COPY OF THE AERIAL PHOTOGRAPHS
WITH DESCRIPTION REVEALING THE LAYOUT OF
THE TEMPLE AND OTHER BUILDINGS AROUND

EXHIBIT P14 A TRUE COPY OF THE AERIAL PHOTOGRAPHS
WITHOUT DESCRIPTION REVEALING THE LAYOUT
OF THE TEMPLE AND OTHER BUILDINGS AROUND

RESPONDENT EXHIBITS

EXHIBIT-R2 (B) TRUE COPY OF THE SITE PLAN PREPARED BY
THE ASSISTANT ENGINEER, TDB,
KARUNAGAPPALLY DATED 14/12/2023.