



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

WEDNESDAY, THE 1<sup>ST</sup> DAY OF APRIL 2026 / 11TH CHAITHRA, 1948

DBP NO. 41 OF 2022

*IN THE MATTER OF COCHIN DEVASWOM BOARD-SUO MOTU PROCEEDINGS  
INITIATED AS PER ORDER DATED 29/07/2022 IN DBP 31/2022  
REGARDING THE CONDUCT OF TRADE FAIRS IN ERNAKULATHAPPAN  
GROUND*

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, REVENUE  
(DEVASWOM DEPARTMENT), SECRETARIAT,  
THIRUVANANTHAPURAM-695001
- 2 COCHIN DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY, ROUND NORTH,  
THRISSUR-680001
- 3 TEMPLE ADVISORY COMMITTEE (CORRECTED)  
ERNAKULAM SHIVA TEMPLE, DURBAR HALL ROAD, MARINE DRIVE,  
ERNAKULAM, KERALA-682011.  
CORRECTED AS:  
THE ERNAKULAM KSHETHRA SEVA SAMITHI, (CORRECTED)  
ERNAKULAM Shiva TEMPLE, DURBAR HALL ROAD, MARINE  
DRIVE, ERNAKULAM, KERALA-682 011



(3RD RESPONDENT IS SUO MOTU CORRECTED AS PER ORDER DATED 10/08/2022.)

CORRECTED:

THE DESCRIPTION OF THE 3RD RESPONDENT IS CORRECTED AS 'ERNAKULAM KSHETHRA KSHEMA SAMITHI' INSTEAD OF 'ERNAKULAM KSHETHRA SEVA SAMITHI' AS PER ORDER DATED 29/11/2022.

- ADDL R4 THE DEPUTY DIRECTOR  
KERALA STATE AUDIT DEPARTMENT, COCHIN DEVASWOM BOARD,  
ROUND NORTH, THRISSUR - 680 001  
[IS SUO MOTU IMPLEADED AS ADDITIONAL 4TH RESPONDENT  
VIDE ORDER DATED 10/08/2022 IN DBP.NO.41/2022
- ADDL R5 ADDITIONAL CHIEF SECRETARY TO GOVERNMENT,  
LOCAL SELF GOVERNMENT DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM-695 001  
[IS SUO MOTU IMPLEADED AS ADDITIONAL 5TH RESPONDENT  
VIDE ORDER DATED 30.03.2023]
- ADDL R6 THE DEVASWOM OFFICER  
ERNAKULAM DEVASWOM, ERNAKULAM-682 011  
[IS SUO MOTU IMPLEADED AS ADDITIONAL 6TH RESPONDENT  
VIDE ORDER DATED 13/07/2023]

BY ADVS.

SRI.K.P.SUDHEER, SC, COCHIN DEVASWOM BOARD  
SMT. RASHMI K.M., GP

OTHER PRESENT:

SRI. B.G.HARINDRANTH B.G, (SR), AS INSTRUCTED BY  
SRI.K.SANEESH KUMAR

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR FINAL HEARING ON 01.04.2026, ALONG WITH WP(C).15798/2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

WEDNESDAY, THE 1<sup>ST</sup> DAY OF APRIL 2026 / 11TH CHAITHRA, 1948

WP(C) NO. 15798 OF 2023

PETITIONER:

THE ERNAKULAM KSHETHRA KSHEMA SAMITHI  
REGD.NO.ER.250/84, ERNAKULAM Shiva TEMPLE, DURBAR HALL  
ROAD, MARINE DRIVE, ERNAKULAM, PIN CODE-682 011,  
REPRESENTED BY ITS SECRETARY, A. BALAGOPALAN, AGED 59,  
S/O. C. K. ARAVINDAKSHA MENON, RESIDING AT  
SANTHISAVERA, WARRIAM ROAD, ERNAKULAM -682016

BY ADVS.  
SRI. K. SANEESH KUMAR  
SHRI. B. G. HARINDRANATH (SR.)

RESPONDENTS:

- 1 COCHIN DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY, DEVASWOM HEADQUARTERS,  
SWARAJ ROUND WEST, THRISSUR, PIN - 680001
- 2 DEVASWOM ASSISTANT COMMISSIONER  
THRIPUNITHURA GROUP, OFFICE OF THE DEVASWOM ASSISTANT  
COMMISSIONER, WEST GOPURAM, KOTTAKAKOM,  
THRIPPUNITHURA, KOCHI, PIN - 682301

ADDL. R3 THE DEPUTY DIRECTOR  
KERALA STATE AUDIT DEPARTMENT, COCHIN DEVASWOM BOARD,



BOARD OFFICE, THRISSUR, PIN 680 001.

ADDL.R4 AD-HOC COMMITTEE CONSTITUTED FOR CONDUCTING THE ANNUAL FESTIVAL OF 1199 ME (2024) IN ERNAKULAM Shiva TEMPLE, DARBAR HALL ROAD, ERNAKULAM - 682011, REPRESENTED BY ITS SECRETARY

[ADDL.R3 & ADDL.R4 ARE SUO MOTU IMPEADED AS PER ORDER DATED 07.12.2023]

ADDL.R5 VALSARAJ. K  
AGED 63 YEARS, S/O. LATE K.K. NARAYANAN, KANNOTHU HOUSE, 27/3959B, BEHIND LOURDS CHURCH, PERUMANUR S.O., ERNAKULAM 682 015.  
[ADDL.R5 IS IMPEADED AS PER ORDER DATED 19.09.2025 IN I.A.2/2025 IN WP(C)15798/2023]

BY ADVS.  
K.P.SUDHEER, SC, COCHIN DEVASWOM BOARD  
SMT.A.PARVATHI MENON, FOR R4  
SRI.D.KISHORE, FOR ADDL R5.  
SMT. RASHMI K.M, GP  
SMT.MEERA GOPINATH  
SRI.R.MURALEEKRISHNAN (MALAKKARA)  
SHRI.ANANT KISHORE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR FINAL HEARING ON 01.04.2026, ALONG WITH DBP.41/2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**"CR"****J U D G M E N T****[DBP No. 41/2022 & WP (C) No. 15798/2023]****Raja Vijayaraghavan V, J.**

The Ernakulam Kshetra Kshema Samithi ('Samithi' for the sake of brevity), a Society registered under the provisions of the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 was accorded the status of a Temple Advisory Committee by the Cochin Devaswom Board ('Board' for the sake of brevity) for accomplishing certain construction activities in the Ernakulam Shiva Temple, one of the holiest temples in the State of Kerala. Disputes arose between the Board and the Samithi with regard to the sharing of income derived by leasing out the properties of the Devaswom as permitted by this Court, handling of accounts by the Samithi and its functioning. Finally, the Board proceeded to issue Ext.P5 order on 27.04.2023 indicating its decision to initiate steps to elect a new Temple Advisory Committee in terms of the bye-laws of the Board. This action did not find favor with the Samithi. Furthermore, while practically functioning as the Temple Advisory Committee, there was a sharing arrangement between the Board and the Samithi as per which, the income received from the leasing out of the Ernakulathappan Ground was permitted to be shared between the Board and the Samithi. The Board by Ext. P6 order dated 12.4.2023 put an end to the sharing arrangement as well. These actions have led the Samithi to



approach this Court seeking to quash Ext. P5 order passed by the Board. During the pendency of the writ petition an application for amendment was filed as I.A. No. 3 of 2023, seeking to challenge Ext. P6 order which was omitted earlier. The said application was allowed on 12.10.2023.

2. In the meantime, a suo motu proceeding was initiated as DBP No. 41/2022 by this Court in terms of the directions issued by this Court in order dated 29.07.2022 in DBP No. 31/2022 regarding the conduct of Trade Fairs in Ernakulathappan Ground by the Samithi. We shall decide the issues raised in the writ petition as well as the DBP by passing a common judgment.

3. **Assertions and contentions of the Samithi in the Writ Petition:**

a) The contention of the Samithi in the writ petition is that they have been administering the affairs of the Shiva Temple from the year 2016 onwards. It is stated that the Committee was granted the status of a Temple Advisory Committee by Ext. P1 order issued by the Board on 23.01.2016. The grant of such status was subsequently approved by this Court by Ext. P2 order dated 16.05.2016 in DBA No. 4 of 2016 consequent to which Ext. P3 order was issued by the Board. It is further asserted that the functioning of the Samithi, in its capacity as the Temple Advisory Committee, formally commenced only upon the issuance of Ext. P3 order by the Cochin Devaswom Board.

b) Following the conferment of such status, the Samithi has undertaken



numerous construction and developmental activities in relation to the temple and its premises. The accounts of the Samithi are regularly audited and that copies of such audited accounts are forwarded to the Sub Registrar in compliance with the provisions of the Travancore-Cochin Literary, Scientific and Charitable Societies Act, 1955. In addition, the Devaswom audit as well as Local Fund Audit are being conducted periodically, thereby ensuring transparency and accountability in its functioning. By order bearing No. A5-1471 dated 31.01.2017 issued by the Board, the management of the Ernakulathappan Ground and the adjoining hall was entrusted to the Samithi, along with the responsibility for their maintenance and beautification. The income generated from these facilities was initially agreed to be shared between the Board and the Samithi in the ratio of 65:35. Subsequently, upon further deliberations and mutual discussions between the Board and the Samithi, particularly in the context of constructing a Devaswom Office Building, the revenue-sharing arrangement was revised to 40:60. It is also stated that consequential orders in this regard were issued by the Board on 17.03.2018.

c) While the writ petition was pending, this Court initiated suo motu proceedings as DBP No. 41 of 2022, concerning the utilisation of income generated from the conduct of trade fairs at the Ernakulathappan Ground and the manner in which such income was being shared between the Board and the Samithi. During the pendency of the said proceedings, the first respondent issued Ext.P5 order, directing the officials of the Board to initiate steps for constituting a new Temple Advisory



Committee in accordance with the applicable by-laws. The Samithi contends that it was taken by surprise by the issuance of Ext. P5. According to them, their tenure as the Temple Advisory Committee had not expired and was to continue till September 2023. It is asserted that there were no circumstances warranting any change in the status of the petitioner-Samithi as the duly recognised Temple Advisory Committee.

d) The 1st respondent also issued Ext. P6 order, whereby the long-standing revenue-sharing arrangement in respect of the Ernakulathappan Ground and the adjoining hall was brought to an end. This order, it is pointed out, was passed notwithstanding the pendency of an application submitted by the Samithi seeking extension of the arrangement.

e) The Samithi contended that it had been functioning with utmost dedication in the administration of temple affairs and has played a significant role in facilitating various developmental activities, including the construction of the Devaswom office building. It is further contended that Ext. P5 has been issued in violation of the fundamental principles of natural justice, without affording the Samithi any opportunity of being heard.

f) It is in the above circumstances and background that the present writ petition has been filed, seeking to quash Exts. P5 and P6.



4. **The facts leading to the suo motu registration of DBP No.41/2022:**

During the consideration of DBP No. 31 of 2022 by a Division Bench of this Court, attention was drawn to the observations of the Devaswom Ombudsman contained in CDB Report No. 18 of 2022 in Petition No. 3 of 2022. The Ombudsman had noted that trade fairs were being conducted in the Ernakulathappan Ground by the Temple Advisory Committee, which had been granted permission to utilise the said ground for such purposes. It was also brought to the notice of this Court that the income generated from the conduct of such trade fairs was being shared between the Cochin Devaswom Board, being the trustee of the Devaswom land, and the Temple Advisory Committee of the temple. Having regard to the nature and implications of the issues involved, this Court considered it necessary to examine the matter in greater depth. Accordingly, the Registry was directed to register a suo motu Devaswom Bench Petition concerning the conduct of trade fairs in the Ernakulathappan Temple Ground by the Samithi of the temple. It is in these circumstances that DBP No. 41 of 2022 came to be registered.

5. We have heard the submissions of Sri.B.G. Harindranath, the learned Senior Counsel appearing for the Samithi as instructed by Sri. Saneesh, Sri. K.P. Sudheer, the learned counsel appearing for the Devaswom Board and the learned Government Pleader.



6. A series of orders have been passed by this Court in these matters.

7. It would be apposite to note that Ext. P5 order was issued by the Board on 27.4.2023 and the sharing of income arrangement was terminated by Ext. P6 order dated 12.4.2023.

8. However, by an interim order dated 12.05.2023 in the writ petition, this Court had stayed the order passed by the Board. The tenure of the Samithi as the Temple Advisory Committee ended in September, 2023. In the meantime, pursuant to orders issued by this Court, the earlier bye-laws governing the Temple Advisory Committees under the Devaswom Board was completely amended. The modified byelaws were approved and published in the Kerala Gazette on 17.03.2025 as required under Section 123 of the Travancore Cochin Hindu Religious Institutions Act, 1950. The copy of the modified byelaws were also produced before this Court by the Board as Ext. R1(as) and more importantly, the modified bye-laws did not contain any provision empowering the board to confer the status of Temple Advisory Committee upon any organisation.

9. **The Statutory Provisions governing Temple Advisory Committee:**

a) Section 76A of the Travancore-Cochin Hindu Religious Institutions Act, 1950, deals with the formation of the Temple Advisory Committee in temples under the management of the Cochin Devaswom Rule. As per subsection (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 subsection (2) of Section 76A, the "Temple Advisory Committee" constituted under subsection (1) is to be approved by the Board. As per subsection (3) of Section 76A, the composition of a "Temple Advisory Committee" under subsection (1) shall be such as may be prescribed by the Rules made by the Board, not inconsistent with any practice prevailing, if any. In terms of the provisions under sub section (3) of Section 76A, the Cochin Devaswom Board had framed Rules (Bye-laws) regarding the formation of the "Temple Advisory Committee" in temples under its management.

b) As per the Bye-laws then in force, there existed a specific clause providing that, in recognition of the historical importance of a temple and for its overall development and improvement, if the Board is satisfied, that too on being furnished with sufficient reasons, that any organization is functioning in the best interests of the temple and demonstrates both experience and dedication, the Board is empowered to grant such organization the status of a "Temple Advisory Committee." The Bye-laws further provide that, in the case of such temples, the Board may also grant exemption from the usual provisions governing the formation of a Temple Advisory Committee. It was by utilizing the above provision that the status of Temple Advisory Committee had been granted to the Samithi.

c) However, going by Clause (3) of the Bye-laws of the Devaswom Board,



produced as Ext. R1(y), we find that membership of a Temple Advisory Committee is open to all adult Hindu devotees who are interested in the upliftment of the temple and are willing to offer dedicated service. If the Devaswom Board is satisfied that such a devotee meets these criteria, the person may be included as a member of the Temple Advisory Committee. Eligible persons are expected to reside within the vicinity of the temple, to be regular visitors, and to work actively for the advancement of the temple. The Board is required to circulate an application form, and any qualified person may complete the form and apply for membership. The procedure for inclusion in the Committee is set out in the clause. The Bye-laws also specify the responsibilities of the office bearers such as the President, Vice-President, Secretary, Joint Secretary, Treasurer, and Auditor. It is further provided that the yearly accounts of the Samithi are to be audited and duly certified. In temples where the annual income exceeds ₹1,00,000 (Rupees One Lakh), the accounts must, in addition to the regular audit, be certified by a Chartered Accountant. The annual accounts are to be submitted to the Cochin Devaswom Board Office and also displayed on the temple notice board. The tenure of a Temple Advisory Committee is fixed at two years, as per Clause (13). Clause (23) deals with the maintenance of assets and mandates that registers, which include the minutes book, cash book, receipt book, receipt stock register, vouchers, ledgers for income and expenditure, cheque register, cheque stock register, bank passbook, furniture register, and balance sheet are to be properly maintained. In other words, the Temple Advisory Committee of a temple under the management of



the Board, comprising devotees who satisfy the prescribed eligibility criteria, is duty-bound to extend all necessary assistance to the Board and its officials to ensure the smooth conduct of temple activities and festivals in accordance with established custom and usage.

d) Having been accorded the status of a Temple Advisory Committee of the Ernakulam Shiva Temple under the management of the Cochin Devaswom Board, the committee is bound to conduct its activities strictly in accordance with the provisions of the applicable Rules. Rule 20 expressly prohibits any Temple Advisory Committee from collecting money from devotees without the prior permission of the Board. Under the original Bye-laws, the Board is empowered to exempt organisations granted the status of a Temple Advisory Committee from compliance with certain provisions of the Bye-laws. In the case of the petitioner, however, although such status has been conferred, no exemption has been granted, and the petitioner remains bound to comply fully with the provisions of the applicable Bye-laws and Rules.

10. In Ext.R1(u) order dated 15.10.2014 passed by this Court in W.P.(C) No. 25962 of 2014, a Division Bench of this Court had occasion to consider the issue of granting the status of a Temple Advisory Committee to the Samithi. After noting that the Bye-laws of the organisation had not been produced, this Court directed the Samithi to hand over a copy of its Bye-laws. On examining the same, this Court observed that membership in the petitioner Samithi was not automatic. Admission of a



devotee of the Ernakulam Shiva Temple as a member required the approval of one of the office bearers, namely, the President, either of the two Vice-Presidents, the Secretary, either of the two Joint Secretaries, or the Treasurer of the Samithi. This clause in the Bye-laws of the petitioner is in direct contravention of the provisions of the Bye-laws of the Devaswom Board. It effectively limits eligibility for the Temple Advisory Committee to existing members of the Samithi, rendering its functioning akin to that of a closed club controlled by a select group of individuals. Moreover, the denial of membership to any applicant is not justiciable, leaving a person who is refused membership, without any avenue for redress.

11. Taking note of all these aspects which include (a) the expiry of the tenure (b) incorporation of the new bye laws and (c) disputes between the Samithi and the Board as regards the audit of the accounts and sharing of income of the ground, this Court had vacated the interim order dated 12.05.2023 and directions were issued to the Board to act strictly in accordance with its Bye-laws and ensure proper administration and functioning of the Ernakulam Shiva Temple.

12. We are given to understand that the said order was challenged by the Samithi before the Apex Court. However, the SLP stands dismissed.

13. Thereafter a Review Petition was filed before this Court by the Samithi seeking to review the order dated 12.05.2023 passed by this Court. The said review petition has also been dismissed.



14. As stated earlier, a new temple advisory committee has already been constituted in accordance with the byelaws and in strict compliance with the provisions of the Statute. As per the byelaws and the statute a private registered society like the petitioner cannot aspire to get the status of a Temple Advisory Committee. As noted earlier only adult Hindu devotees who are interested in the upliftment of the temple and are willing to offer dedicated service are entitled to be members of the Temple Advisory Committee. Only if the Devaswom Board is satisfied that such a devotee meets these criteria, the person may be included as a member of the Temple Advisory Committee. Eligible persons are expected to reside within the vicinity of the temple, to be regular visitors, and to work actively for the advancement of the temple and to comply with all stipulations in the byelaws. The Samithi, under no circumstances, can aspire to be conferred with the status of the Temple Advisory Committee.

15. In that view of the matter, the prayer sought for in the writ petition cannot be granted. We hold that Exts. P5 and P6 are in order.

16. Now we shall take up the matter with regard to the sharing arrangement between the Board and the Samithi, which is the subject matter of the DBP.

17. However, while examining the rival contentions and the materials on record, certain deeply disturbing aspects have come to light.



18. Before dealing with the same, it would be apposite to take note of the statutory provisions and the law that has been laid down by the Apex Court as well as this Court.

19. **Provisions in the TCHRI Act relating to Temple Property and its Administration:**

a) The Travancore-Cochin Hindu Religious Institutions Act, 1950, was enacted 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 and unincorporated Devaswoms and Hindu Religious Institutions 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.

b) 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.

c) 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.

d) 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.



e) Section 86 of the Act provides that alienation of property without the sanction of the Board is void. As per sub-section (1) of Section 86, any exchange, sale, mortgage, pledge, lease or other alienation of the property of an institution executed or made or any debt contracted on its behalf, shall be void unless it is executed or made or contracted with the previous sanction of the Board or with the previous sanction of the Civil Court when in any suit, appeal or other proceedings in relation to the institution a Receiver has been appointed by the civil court for the management of the properties of the institution.

f) Section 51 of the Indian Trusts Act, 1882 reads thus

Section 51 - Trustee may not use trust-property for his own profit:

A trustee may not use or deal with the trust-property for his own profit or for any other purpose unconnected with the trust.

g) Section 52 of the Indian Trusts Act, 1882 reads as under:

Section 52 - Trustee for sale or his agent may not buy

No trustee whose duty it is to sell trust-property, and no agent employed by such trustee for the purpose of the sale, may, directly or indirectly, put the same or any interest therein, on his own account or as agent for a third person.

20. In **M.V. Ramasubbiar v. Manicka Narasimachari**<sup>1</sup>, in the context of Sections 49, 51 and 52 of the Trusts Act, 1882, the Apex Court explained the nature

---

<sup>1</sup> [(1979) 2 SCC 65]



of the fiduciary position of the trustee and his duties and obligations. In Paragraph 4, it was held as under:

"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."

21. The Apex Court in the above judgment laid down the stringent fiduciary obligations cast upon a trustee, holding that a trustee is bound to act with utmost good faith, diligence, and prudence, solely in the interest of the trust. A trustee cannot derive any personal benefit, whether directly or indirectly, from trust property, nor can he place himself in a position where his personal interest conflicts with his duty. The statutory scheme, particularly under Sections 49, 51, and 52 of the Trusts Act, strictly prohibits a trustee from dealing with trust property for personal gain or acquiring it in his own name or through another. This prohibition cannot be circumvented by effecting transactions in the name of close relatives, such as a son or partner, as such arrangements would, in substance, result in an indirect benefit to the trustee. In such circumstances, it becomes the duty of the Court to closely scrutinize



the transaction and determine whether the trustee has acted bona fide or has committed a breach of trust by indirectly benefitting himself.

22. In **A.A. Gopalakrishnan v. Cochin Devaswom Board**<sup>2</sup>, it was observed as under by the Apex Court in paragraph 10 of the judgement:.

10. The properties of deities, temples and Devaswom Boards, require 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 "fences 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.

23. It was observed and held by the Apex Court that the properties belonging to deities, temples, and Devaswom Boards are required to be zealously protected by those entrusted with their management, and that any act of misappropriation or unlawful assertion of rights over such properties by trustees, archakas, shebaites, or employees—whether by setting up false claims of ownership, tenancy, or adverse possession, often in collusion with authorities—must be dealt with

---

<sup>2</sup> [(2007) 7 SCC 482]



sternly. It is further emphasised that the duty to safeguard such properties rests not only upon the Government and the managing authorities but also upon devotees, and that the courts are equally obligated to remain vigilant and to protect religious and charitable properties from encroachment, misuse, or wrongful claims.

24. **Purchase of property under the scheme "Ernakulathappanu Oradi Mannu"**

Coming back to the facts of the present case, it has already been noticed that serious irregularities and instances of usurpation of properties, which were acquired using public funds for the benefit of the temple, have come to the attention of this Court. These irregularities appear to have occurred at the instance of persons who were at the helm of affairs of the Cochin Devaswom Board, the Samithi, and the Kochi Corporation. It is further evident that a parcel of land, which was directed to be purchased in the name of the temple, has instead been purchased in the name of the Samithi, with the tacit consent and acquiescence of the concerned authorities. The Board and the Samithi, being trustees of the temple property, were under a legal obligation to act with utmost diligence, transparency, and good faith. Under no circumstances could the Samithi, in its capacity as a trustee, utilise public funds—particularly those raised with the permission of this Court—for the purpose of acquiring property in its own name, rather than in the name of the deity or the Devaswom Board. Since during the consideration of these matters, the above



shocking aspect has come to our notice, this Court is obliged to protect religious and charitable properties from encroachment, misuse, or wrongful claims as held by the Apex Court in **A.A. Gopalakrishnan** (supra).

25. We shall now advert to the facts that have come to our notice. The Ernakulam Shiva Temple comes under the Ernakulam Devaswom in the Thrippunithura Group of the Cochin Devaswom Board. It is discernible from the additional reply affidavit filed by the Samithi that the Samithi is an association of devotees of the Ernakulathappan Temple, which has, over the years, actively participated in various events connected with the temple festivals. The Samithi has also been involved in activities undertaken for the development, maintenance, and overall upliftment of the temple and its assets. According to the Samithi, it has been carrying on such activities for more than forty years. At its inception, the Samithi functioned as an "Utsava Aghosha Committee" during the annual festivals. In or around the year 1976, devotees of the temple came together in an organised manner to conduct the temple festivities. It was during this period that the Cochin Devaswom Board proceeded to constitute a Temple Advisory Committee to ensure that the affairs of the temple were managed in a more structured and systematic manner. In the course of such activities, a decision was taken to construct an "Alankara Gopuram" on the western side of the temple, for which contributions were sought from devotees. However, as the Samithi was not then registered as a society under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955, several prospective donors



were reluctant to contribute due to concerns relating to accounting and taxation. In these circumstances, the Samithi decided to get itself registered under the said Act, which was accomplished in the year 1984, bearing Registration No. 250/1984. Thereafter, the Samithi, in coordination with the Devaswom Board, commenced efforts to acquire a property adjacent to the temple premises, popularly known as "Krishnavilasam Palace," with a view to augmenting the facilities and infrastructure of the temple.

26. A parcel of land measuring approximately 0.7575 hectares (75.75 Ares), comprised in Survey Nos. 828/2-6, 828/1-6, and 829/2-2 of Ernakulam Village, was acquired by the Cochin Devaswom Board through land acquisition proceedings for the development of the temple. The compensation paid for the acquisition amounted to ₹3.57 crores. The amount required for the purchase was mobilised by the Board by disposing of gold in its custody, pursuant to permission granted by this Court.

27. An additional extent of land measuring 52.01 Ares, situated contiguous to the eastern side of the aforesaid property, originally belonged to the Tirupunithura Palace Administration Board. This property was acquired by the Corporation of Cochin pursuant to Award No. 16/1989 dated 21.08.1989 passed by the Special Tahsildar (LA). The land was thereafter transferred in the name of the Corporation of Cochin and assigned Thandaper No. 1447.

28. Considering the strategic location of the said land adjoining the temple,



the Corporation of Cochin, by resolution dated 22.05.2000, resolved to assign the property to the Board for a consideration of ₹3.75 Crores. However, given the substantial expenditure already incurred in acquiring the earlier extent of land, the Board was not in a financial position to purchase this additional extent.

29. In these circumstances, a joint decision was taken by the Board and the Samithi to mobilise funds through a public scheme titled "Ernakulathappanu Oradi Mannu." This decision is reflected in the proceedings of the Devaswom Board produced as Annexure-R2(e), and marks the beginning of a large-scale public participation initiative for temple development.

30. The proceedings of the Cochin Devaswom Board relating to the purchase of the eastern portion of the Sree Krishna Vilasam Palace compound are evidenced by Annexure-R2(e) Order dated 24.06.2000 on H1. 6265/97, which reads as follows:

"By letter read a second paper above, the Mayor Corporation of Cochin has intimated to the Board that the Corporation has agreed as per Resolution No. 49 dated 22.05.2000 to sell to Cochin Devaswom Board the eastern portion of Krishnavilasam Palace compound. measuring 1.25 acres for ₹3.75 Crores. The Cochin Devaswom Board hereby expressed their sincere gratitude to the Mayor and members of the Cochin Corporation for their magnanimous offer to sell to the Board the adjacent lands of Ernakulam temple at a concessional rate.

The Board has embarked upon an ambitious scheme for the development



of the Ernakulam Temple project, with the backing and full support of the Ernakulam Kshetra Kshema Samithi and the implementation committee sponsored by the Samithi, embracing the elite and creamy layer of devotees of the area. The implementation committee in its meeting on 18.06.2000 has fully endorsed the scheme launched by the Samathi as "Ernakulathappanu Oradi Mannu". The scheme was blessed and formally inaugurated by their Holiness Kanchi, Kamakody, Peeta, Jayendra Saraswati Swamikal and Shankara Vijendra Saraswati Swamikal on 01.06.2000. The implementation committee took stock of the heartening response from the public.

The corporation authorities are understood to be prepared to allow easy installments for payment of the purchase amount. They are also prepared to wait for a small period to finalise the formalities for executing the agreement and deposit earnest money advance. The Board has vast areas of land even now lying idle without getting reasonable returns. It is practically impossible for the Board to invest any money from group Devaswom fund to purchase further land without for the prior sanction of the Hon'ble High Court.

In the circumstances, the Board accepted the offer of the Corporation of Cochin to sell their land of 1.25 acres in Krishna Vilasam Palace compound for ₹3.75 crores to Cochin Devaswom Board. The modalities for executing the agreement and other terms for payment of installments and for registration of documents will be discussed by the Ernakulam Kshetra Kshema Samathi with the Corporation Officials and Assistant Commissioner, Thripunithura and get agreed. The Assistant Commissioner and the Samathi will submit further proposals to the Board.

31. The matter was then placed before this Court in CMP No. 3062 of 2000. After considering the submissions advanced by both sides, a Division Bench of this



Court passed the following order:

"This petition is filed by the Ernakulam Kshethra Kshema Samithi. The prayer in the petition is to permit the petitioner Samithi to grant permission to interested persons to use portions of the western side of the Sree Krishna Vilasam Palace Compound entrusted to the petitioner Samithi as per Ext.P1 by the Cochin Devaswom Board on purely temporary basis for the purpose of consolidating necessary funds in accordance with the terms and conditions contained in Ext.P1. An affidavit has been filed by one K.Satheesan, the Secretary of the Ernakulam Kshethra Kshema Samithi. The Ernakulam Kshethra Kshema Samithi is a society registered under the Travancore Devaswom Board. One of the main objects of the Samithi is to work for the development of the Ernakulam Shiva Temple in co-operation with the Cochin Devaswom Board in the matter of conduct of the daily, monthly and annual rituals. On the southern side of the Ernakulam Shiva Temple lies fairly large extent of land the Royal family of Kochi. It is owned and managed by them till the end of Cochin Government. Subsequently the Devaswom Board took over the management and acquired ownership and possession of portion of the erstwhile Sree Krishna Vilasam compound lying on the western side. After considerable deliberations, the Cochin Devaswom Board agreed that the 1 said portion of the land which was purchased by the Corporation could also be purchased by its for the Ernakulam Shiva Temple development purposes. The Board also authorised the Samithi to raise necessary funds for the purchase of this property for formation of Ernakulam Shethra (Temple Samuchayam). Samithi filed CMP 1866/2000 before this court under section 105 of the Travancore Cochin Hindu Religious Institutions Act for permission to acquire the said portion of Krishna Vilasam Palace Compound. The Corporation of Cochin has expressed their willingness for the proposal in respect of which permission has been sought for in CMP 1866/2000. The property on the western side



of the compound is in the possession of Cochin Devaswan Board . It will be possible to raise appropriate funds if licence is granted to put up temporary shops and structures etc. By another order in CMP 1866/2000 we have given permission to purchase the above land. Now that the western side of the Krishna Vilasam Palace Compound has been entrusted on purely temporary basis with the Samithi. The Samithi is permitted to give purely on temporary basis a portion of the land to strangers on getting sufficient licence fee. It is made clear that such licence shall be only for small periods and should be supported by documents. The amount received by giving permission to the persons should be properly accounted by the Samithi by filing appropriate petitions before this court.”

32. A careful reading of the above order makes it abundantly clear that the Cochin Devaswom Board had agreed to purchase the subject property for the development of the Ernakulam Shiva Temple and this Court had authorised the Samithi to raise the necessary funds. This arrangement received the express approval of this Court. This Court permitted the Samithi to licence portions of the property on a strictly temporary basis to generate funds, while emphatically directing that all amounts so realised must be properly accounted for by placing the same before this Court.

33. It appears that, thereafter, in terms of the directions issued by this Court in CMP No. 1866 of 2000, the Ernakulam Kshetra Kshema Samithi approached the Board with a request that the western portion of the Sree Krishna Vilasam Palace compound, which was already in the possession of the Board, be handed over to it for the specific purpose of raising funds to purchase the eastern portion of the palace



compound from the Corporation of Cochin.

34. On a consideration of the said request, the Board granted permission to the Samithi to conduct a trade fair in the western portion of the Sree Krishna Vilasam Palace compound for a period of 11 months, on payment of a licence fee of ₹6.5 lakhs, subject to certain conditions. The Board had also directed the Devaswom Commissioner to ensure that the amount of ₹5,00,000/- due from the Samithi was properly adjusted towards the Devaswom share of contribution to the Samithi for the second stage of construction of the Oottupura.

35. From the above proceedings, it is evident that the property, which remained in the ownership and possession of the Devaswom Board, was entrusted to the Samithi purely on a temporary basis and only for a limited purpose, namely, to raise the funds required for the purchase of the property situated on the eastern side. It is also discernible that a portion of the amounts realised was intended to be earmarked as the Devaswom Board's contribution towards the acquisition of the said property, which was viewed as an important and beneficial step for the temple.

36. Although the orders in CMP No. 1866 of 2000 and the subsequent order produced as Annexure-R2(h) were issued as early as in the year 2000, the contemplated purchase of the property was not completed even after the lapse of nearly a decade. In the meanwhile, the tenure of the Samithi came to be extended from time to time, evidently to continue the arrangement and the activities connected



with the proposed acquisition.

37. Thereafter, on 21.03.2009, the Board issued Order No. A5-1471/07, wherein it was disclosed that the Samithi had handed over a total sum of ₹3.75 Crores to the Board. With a view to ensuring the completion of the process that had originally been envisaged, the Board granted permission for the constitution of a Kshetra Upadeshaka Samithi consisting of approximately 21 members drawn from among the members of the Samithi.

38. Immediately thereafter, the matter came up before this Court in DBA No. 64 of 2007. In those proceedings, the Ombudsman suggested the reconstitution of the Advisory Committee of the Ernakulam Shiva Temple, and by order dated 22.01.2009, this Court approved the formation of a committee comprising approximately 21 members. The said arrangement was accordingly recorded, and the application was closed.

39. In the meantime, the Board appears to have taken various decisions regarding the allocation of income derived from the ground, which came to be shared in the ratio of 60% to the Cochin Devaswom Board and 40% to the Samithi.

40. Subsequently, DBP No. 28 of 2010 was initiated before this Court as a suo motu proceeding on the basis of Report No. 66 of 2020 submitted by the Ombudsman. The issue therein related to the waiver of interest on delayed payment



of the consideration payable for the purchase of the Ernakulathappan Ground from the Corporation of Cochin.

41. It was brought to the notice of this Court that, instead of the extent of 1.25 acres originally agreed to be sold for ₹3.75 Crores, the actual extent of the property available measured only 1.08 acres, since approximately 17 cents had already been utilised by the Corporation of Cochin for road widening purposes. In that backdrop, by order dated 17.09.2009, this Court directed the Chief Secretary to intervene and convene a meeting of the concerned departments so that the issue could be resolved amicably and without further delay. The learned Ombudsman had also submitted a report before this Court requesting facilitation of an effective settlement of the dispute.

42. When the matter was taken up on 07.09.2010, this Court observed that the Samithi had already collected funds from the public and paid the land value, and that the only remaining disputes pertained to the interest component for delayed payment and the reduction in the actual extent of land available. This Court thereupon directed the parties to appear before the Taluk Surveyor on 13.09.2010 for the purpose of measurement and further directed the Taluk Surveyor to expedite the proceedings so that the matter could move towards closure.

43. Subsequently, when the matter came up on 05.12.2012, this Court perused the Minutes of the meeting convened by the Chief Secretary on 10.10.2012,



which had been held with the object of resolving the issues arising out of the land transfer transaction between the Cochin Corporation and the Ernakulam Shiva Temple. After considering the entire submissions, this Court noted the following in paragraph 2 of the order dated 05.12.2012:

“In view of the decision arrived at in that meeting, the Chief Secretary was abundantly justified in advising the parties that as the matter stands at present, the Corporation has to facilitate registration of **the sale deed for the land in favour of the temple** for the consideration already agreed mutually. We therefore, are of the view that the Corporation of Cochin has to **execute and register the sale deed in terms of such advice in favour of the temple**. Let this exercise be carried out within a period of one month from now, and reported to this Court at the earliest”. (emphasis supplied)

44. Thus the direction issued by the Court to which all the parties were bound, was loud, clear and unequivocal. The Sale Deed was to be registered by the Corporation in favour of the temple and none else.

45. Thereafter, in the order dated 07.02.2013, this Court reiterated in clear and unmistakable terms that the Corporation was required to execute and register the sale deed in favour of the temple, in strict conformity with the directions already issued. This Court also observed that, since such a direction had already been issued by this Court, no fresh sanction from the Government was necessary for carrying out that mandate. It was further directed that the order dated 05.12.2012 should be complied with in its letter and spirit by executing the sale deed exactly in the manner



directed by this Court.

46. When the matter was next taken up on 22.02.2013, the learned counsel appearing for the Corporation sought clarification from this Court as to whether prior sanction from the Government was required in order to implement the decision taken by the Chief Secretary. This Court once again reiterated that the directions contained in the interim orders dated 05.12.2012 and 07.02.2013 were to be scrupulously complied with. In other words, the Court made it expressly clear that the sale deed was to be executed and registered in favour of the temple and not in favour of any other person or entity.

47. The matter was thereafter taken up on 01.03.2013, and it was submitted before this Court that the sale deed had still not been executed. Taking serious note of the continued delay, this Court directed the Secretary of the Corporation to execute the sale deed on or before 08.03.2013, failing which his personal appearance before this Court was ordered. Finally, when the matter came up on 10.04.2013, the learned Standing Counsel for the Corporation and the learned Senior Counsel appearing for the Kshetra Kshema Samithi submitted that the sale deed had been executed on 09.04.2013. In view of the said submission, this Court recorded the same, observed that no further orders were necessary, and consequently disposed of DBP 28 of 2010. Significantly, however, it does not appear from the said order that the sale deed itself was placed before this Court for perusal.



48. We have perused the sale deed executed by the Additional Secretary, Corporation of Cochin, as vendor, in favour of B. Rajalakshmi, Secretary of the Cochin Devaswom Board, shown as Purchaser No. 1, and K. Janardhanan, Secretary of the Ernakulam Kshetra Kshema Samithi, shown as Purchaser No. 2.

49. Having examined the Sale Deed produced as Annexure-R2(t), we are shocked to note that the Secretary of the Samithi has been shown as one of the purchasers. Nowhere in the deed, which was executed and registered on 08.04.2013, is there any reference to the orders passed by this Court on 05.12.2012 and 07.02.2013, by which it had been specifically stipulated that the deed should be executed in favour of the temple. The only reference to the directions of this Court appears on page 7 of the deed, where there is merely a passing mention of the order dated 05.12.2012 relating to the delay in execution of the sale deed. What is even more serious is that, in blatant violation of the directions issued by this Court, the deed came to be executed by conferring one-half share in the property upon the Samithi. This crucial fact was not brought to the notice of this Court either by the Devaswom Board, the Kochi Corporation, or the Samithi. The omission is not minor; it strikes at the very root of compliance with this Court's directions.

50. We also note that, on page 7 of the sale deed, reference is made to Letter No. MOP. 2/32007/2005 dated 14.03.2013, stating that the vendor had approached the Government of Kerala for permission to convey the property to the



purchasers named in the deed. It is further seen that the Government of Kerala, by proceedings dated 03.04.2013 in G.O.(Rt) No. 897/2013/LSGD, granted permission to transfer the scheduled property to the purchasers so named.

51. The said Government Order, namely, G.O.(Rt) No. 897/2013/LSGD dated 03.04.2013, was placed before this Court in compliance with the earlier directions and is recorded in the interim order dated 12.04.2023. The order reads as follows:

“The Secretary, Corporation of Kochi, as per letter read as 2nd paper above, has requested to give Government sanction, to transfer the land popularly known as Ernakulathappan Ground owned by Kochi Corporation to Shiva Kshetra Samithi, Ernakulam.

2) The Hon'ble High Court vide order read as 1st paper above has directed the Secretary, Kochi Corporation to execute the sale deed between Kochi Corporation and Ernakulam Shiva Kshetra Samithi within one month of the receipt of the judgment. Also the Hon'ble High Court in its order dated 07.02.13 and 22.02.2013 in DBP No.28/2010 has again directed to take urgent steps as per the order dated 05.12.2012.

3) After having examined the matter, the Government are pleased to accord permission to dispose the land, popularly known as Ernakulathappan Ground; owned by Kochi Corporation to Shiva kshetra samithi, Ernakulam, as contemplated in Section 215 of Kerala Municipality Act to fulfill obligations of the Corporation as per the agreement with the Shiva Kshetra Samithi.”

52. In the said Government Order, reference is made to the order dated 05.12.2012 passed by this Court in DBP No. 28 of 2010. However, it is wrongly stated therein that this Court had directed the Secretary, Cochin Corporation, to execute the



sale deed between the Cochin Corporation and the Samithi within one month from the date of receipt of the judgment. The order further notes that this Court, by its subsequent orders dated 07.02.2013 and 22.02.2013, had directed urgent compliance with the earlier order.

53. A plain reading of the order dated 05.12.2012 and the subsequent orders leaves no room for doubt that the direction issued by this Court was specifically to facilitate the registration of the sale deed in favour of the temple and not in favour of the Samithi. Further, this Court had also recorded that the conveyance amount of approximately ₹3 Crores had been raised from public funds under the scheme "Ernakulathappanu Oradi Mannu". The tenor of the orders issued by this Court is entirely inconsistent with the manner in which the Government Order understood, described, or acted upon them. We do not think that this is an innocent mistake.

54. Following the execution of the deed in the above manner, it is seen that the income from the Ernakulathappan Ground came to be shared between the Board and the Samithi in varying proportions. Annexure-R2(w) in DPB No.41 of 2022 indicates that, at one point of time, the sharing ratio stood at 65:35. This subsequent sharing arrangement assumes significance, particularly in the backdrop of the disputed manner in which title itself came to be reflected in the sale deed.

55. In the aforesaid circumstances, this Court directed the learned Government Pleader to file an affidavit on behalf of the additional 5th respondent in



the Writ Petition explaining the facts and circumstances under which G.O.(Rt) No. 897/2013/LSGD dated 03.04.2013 had been issued, particularly when the same was plainly not in tune with the direction contained in the order dated 05.12.2012 in DBP No. 28 of 2010. This Court had also directed the learned Standing Counsel appearing for the Cochin Devaswom Board to make available for the perusal of this Court the entire files relating to the issue.

56. In compliance with the said directions, the Deputy Director of the Kerala State Audit Department chose to file an affidavit dated 24.03.2023. It was stated therein that the Cochin Corporation, as per Resolution No. 49 dated 22.05.2000, had decided to sell the property to the Cochin Devaswom Board for ₹3.75 Crores. However, the land ultimately came to be registered jointly in the names of the Secretary of the Cochin Devaswom Board and the Secretary of the Samithi. The affidavit further notes that, although Section 74 of the Travancore Cochin Hindu Religious Institutions Act provides that the Board shall administer the properties and affairs of the Devaswom, both incorporated and unincorporated, and paragraph 23 of the bye-laws of the Temple Advisory Committee of the Cochin Devaswom Board specifically stipulates that immovable properties purchased using funds collected from devotees must be acquired and registered only in the name of the Secretary of the Devaswom Board, in the present case 47.82 Ares of land, forming part of the Ernakulathappan Ground, were purchased from the Cochin Corporation on 08.04.2013 and registered jointly in the names of the Secretary of the Cochin Devaswom Board



and the Secretary of the Ernakulam Kshetra Kshema Samithi. It was also stated that the funds used for the purchase were derived from the income of Devaswom property. The auditor therefore recommended that necessary steps be taken to rectify the anomaly and ensure that the land is registered solely in the name of the Secretary of the Cochin Devaswom Board.

57. The learned Government Pleader has also placed on record the files relating to the transfer of property owned by the Cochin Corporation to the Ernakulam Shiva Temple. On a perusal of the records, it is evident that a Division Bench of this Court, by order dated 07.02.2013 in DBP Nos. 28 of 2010 and 137 of 2012, had referred to its earlier order dated 05.12.2012 and observed that this Court had already taken the view that the Corporation was bound to execute and register the sale deed in favour of the temple in terms of the said decision. The Division Bench had further directed that the said exercise be completed within a period of one month from the date of the order. We have also examined the minutes of the meeting convened by the Chief Secretary on 10.10.2012 to resolve the issues relating to the proposed transfer of land between the Cochin Corporation and the Ernakulam Shiva Temple. The meeting was attended by the Chief Secretary, the Secretary of the Cochin Corporation, the Special Commissioner and Assistant Commissioner of the Cochin Devaswom Board, the Secretary and President of the Shiva Kshetra Samithi, Ernakulam, and one Muralidharan. In the said meeting, a clear decision was taken that the Corporation would facilitate the execution and registration of the sale deed in



favour of the temple for the consideration already mutually agreed upon. However, it is seen that, when the final order came to be issued by the Government, there was a marked departure from the above position. The Government permitted the transfer of the property by the Cochin Corporation in favour of the Shiva Kshetra Samithi, Ernakulam. This course of action is clearly in violation of the directions contained in the order dated 05.12.2012, the subsequent orders passed by this Court, as well as the decision arrived at in the meeting chaired by the Chief Secretary.

58. In the affidavit filed by the Samithi, the 3rd respondent in the DBP No. 41 of 2022 on 11.04.2023, it has been stated as under in paragraphs 12 and 13:

"12. Subsequently, this Hon'ble court as per common order dated 05-12-2012 in D.B.P.No.28 of 2010 and D.B.P.No.137 of 2012, directed the Corporation of Kochi to execute and register sale deed in respect of the Ernakulathappan Ground in favour of the Temple. In spite of the said direction, the sale deed could not be executed immediately by the Corporation of Kochi. Subsequently, on the request of the Corporation of Kochi before the Local Self Government (RC) Department, sanction was accorded to the Corporation to execute the sale deed in favour of the 3 respondent. The sanction was accorded as per G.O.(Rt) No.897/2013/LSGD dated 03-04-2013 by the Local Self Government (RC) Department. It is significant to note that though the original proposal was to purchase Ernakulathappan Ground in favour of the 2 respondent, the involvement of the 3rd respondent samithi from the inception was due to the popular demand and requests from the side of the devotees. Moreover, the devotees apprehended and anticipated that the said property would turn out to be the property of the 2nd respondent board and it would fall under the common



assets of the 2nd respondent. The devotees also anticipated that if the land vests with the 2nd respondent, it would make permanent constructions and lease out to third parties. Rather, the interests and requests of the devotees were to purchase the said land for the deity and respondents 2 and 3 being the trustee and caretaker respectively, would ensure its optimum utilization and benefit. Further, if the Ernakulathappan ground is pooled into the assets of the 2nd respondent, proceeds derived out of the Devaswom properties will be utilized for the purpose of the 2nd respondent board. Instead when the said property becomes the property of the deity, the proceeds derived out of it would be utilized for the deity alone. It is relevant to note that the project "Ernakulathappanu Oradi Mannu", as the name itself signifies, went on to become a success, since the thought was well conveyed to the devotees that the property Ernakulathappan Ground would be purchased for the deity of Ernakulathappan. The devotees also believed that the 3rd respondent being the Temple Advisory Committee would also ensure the utmost benefit derived from the proceeds of the ground to be utilized for the purposes of the temple alone and not otherwise. This Hon'ble court as per order dated 05-12-2012 also assumed the significance of execution of the sale deed in favour of the temple and not merely in favour of the 2nd respondent Devaswom board, since the benefit of the deity of Ernakulathappan was considered most significant. The attempt of respondents 2 and 4 are to make it appear and portray Ernakulathappan Ground as the property of the Devaswom and not of the deity and hence make optimum utilization from it, to meet their interests alone and not the deity.

13. The attitude of respondents 2 and 4 are evident ever since the execution of Annexure R2(t) sale deed. Subsequent to the execution of the Annexure R2(t) sale deed, respondents 2 as well as 4 have been trying to immerse enormous pressure on the ownership of the Ernakulathappan Ground. In spite of being well aware of the fact that the said property is the property of the deity and the 2nd respondent is only a trustee, acting for the



benefit of the deity, respondents 2 and 4 have made all possible attempts to evade the presence of the 3rd respondent samithi in the activities and have seen the 3rd respondent only as a facilitator to meet its objectives. Once the objectives are seen to have been met, respondents 2 and 4 would lay all possible sorts of covenants to restrict the 3rd respondent samithi over the Ernakulathappan ground. The unconditional works carried out by the 3 respondent for the benefit of the deity is never taken into consideration by respondents 2 and 4. It is respectfully submitted that the 3rd respondent is not claiming any independent right over the Ernakulathappan ground and its objective is to aid the development and betterment of the deity and to facilitate the utilisation of the land for the benefit of temple activities.”(Emphasis supplied)

59. The stand taken by the Samithi, on a careful reading, is essentially an attempt to justify the purchase of the property in its name by invoking considerations of public sentiment, administrative necessity, and alleged protection of the deity’s interests. It is contended that the involvement of the Samithi from the very inception was on account of the demands and expectations of the devotees, who apprehended that, if the property were vested solely with the Devaswom Board, it would become part of its general assets and might be commercially exploited or utilised for purposes not exclusively connected with the temple. Proceeding on this premise, the Samithi seeks to portray its role as that of a caretaker acting alongside the Board, so as to ensure that the property and its income are used only for the benefit of the deity. Reliance is also placed on governmental sanction and certain observations of this Court emphasising that the purchase was intended for the deity, and not merely for



the Board. However, the attempt is obvious and the same is to substitute popular perception and purportedly benevolent intent in place of binding legal requirements. It overlooks the fact that the directions issued by this Court mandated execution of the sale deed in favour of the temple, and that, under the statutory scheme governing temple properties, there is no scope whatsoever for vesting ownership, even in part, with a private body such as the Samithi. The justification thus advanced does not explain, much less cure, the clear departure from the directions issued by this Court and the provisions of the TCHRI Act.

60. The entire purchase consideration had been collected from devotees, rich and poor alike, through donations mobilised by coupons, with the Samithi playing a leading role in the collection of funds. In such circumstances, the inclusion of the Samithi as a co-owner of property purchased solely with offerings made in the name of the deity is wholly inexplicable and strikes at the very sanctity of temple ownership. The Devaswom Board, being statutorily entrusted with the administration of temple properties, is not authorised to share such ownership with private bodies or associations. Where land is acquired entirely with funds donated for the deity, there can be no justification whatsoever for conferring co-ownership rights on a private entity. The fact that the Samithi, for reasons that remain unexplained, was vested with such status is a direct affront to the settled principle that temple property belongs exclusively to the deity and must remain under the legal and fiduciary control of the Board. The Board, while producing documents before this Court, has failed to



provide any reason why they also gave implied assent to execute a joint deed and as to why they did not raise any objection over the same.

61. Furthermore, in W.P.(C) No. 15798 of 2023, the Samithi, after detailing the construction and development activities allegedly undertaken by it, states that its accounts are regularly audited and that copies are forwarded annually to the Sub-Registrar, as required under the provisions of the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. It is also asserted that audits are conducted by both the Devaswom Audit and the Local Fund Audit. However, in the order dated 12.04.2023 in DBP Nos. 41 and 65 of 2022, this Court, upon perusing the affidavit dated 24.03.2023 filed by the Joint Director, Audit Department (additional 4th respondent), noted serious allegations against both the Cochin Devaswom Board and the Ernakulam Kshetra Kshema Samithi. The affidavit records that the audit team had visited the office of the Samithi on 14.11.2016 to verify the income and expenditure accounts relating to the land purchase, but the relevant documents were not produced for verification. In paragraph 26 of the said order, this Court, after considering the affidavits placed on record, concluded that the non-submission of accounts—including income, expenditure, and details relating to the land purchase—is a serious matter warranting careful and detailed scrutiny.

62. In the additional counter-affidavit filed by the 1st respondent in the Writ Petition, it is stated that the Devaswom Board received Notice No.



DICEKM/1073/2025-B5 dated 10.06.2025 from the office of the District Industries Centre, Ernakulam, in connection with a petition filed by M/s.Thixotropy Design and Construction Solutions Pvt. Ltd., claiming an amount of approximately ₹87,17,331/-. The stand adopted by both the Samithi and the Board indicates that financial transactions and liabilities between them remain unsettled, thereby adding yet another layer of complexity to an already troubled matter.

63. The Temple Advisory Committee was constituted solely to assist the Board in carrying out development activities and for no other purpose. The decision of the Board to confer such powers on the Samithi has been recognised by this Court. It was on this understanding that the Samithi was permitted to share income derived from temple properties. However, the Samithi was under a clear and binding obligation to maintain proper accounts and ensure that the same were duly audited, particularly since public funds were involved. The Board as well as the Samithi were acting as a trustee over the properties of the deity and they were expected to act with utmost bona fides. It is therefore incumbent upon the Samithi to maintain records evidencing the total amounts collected from devotees for the purchase of the property on behalf of the temple, the amounts expended for such purchase, and the sums utilised for incidental expenses. Notably, the Samithi has no case that it possessed independent funds or that it collected funds from sources other than devotees for the purpose of the purchase. In other words, no independent consideration flowed from the Samithi. As the funds used for the purchase of the property were collected from



the public under a scheme titled "one foot of land for Lord Shiva", it is wholly impermissible for the property to have been purchased in a manner showing the Temple Advisory Committee as holding a half share. Such an arrangement is not only contrary to the very object of the scheme but is also in direct violation of the orders of this Court, which mandated that the sale deed be executed in the name of the temple alone.

64. There is yet another aspect that requires consideration. It is not in dispute that the Samithi is registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955. Section 24 of the Act clearly stipulates that, upon dissolution, no member of the society is entitled to receive any portion of its property or profits. The provision explicitly states that if, after the satisfaction of all debts and liabilities, any property remains, such property shall not be distributed among the members of the society or any of them. Instead, it is to be transferred to the State Government on such terms and conditions as may be mutually agreed upon, or to another society with objects closely aligned to those of the dissolved entity. In the light of this statutory mandate, it necessarily follows that, in the event of the dissolution of the Samithi, the remaining property cannot vest in the Shiva Temple. Rather, it would devolve upon the Government or be transferred in accordance with the requirements set out in Section 24. Such an eventuality will result in the property going out of the hands of the temple and reaching the hands of strangers.



65. In the order dated 18.03.2026, this Court directed the Samithi to place before this Court the audited records from the date on which it was entrusted with the functions of the Temple Advisory Committee. This was for the purpose of the accounts being subjected to an independent audit by a team of auditors. In the affidavit filed by the Secretary of the Samithi, in compliance with the directions contained in the order dated 18.03.2026 passed by this Court, it is asserted that the accounts of the Samithi have, from its very inception, been subjected to regular audit and have been maintained in a systematic and meticulous manner. It is further stated that the audit team of the Board had also periodically verified and audited the accounts of the Samithi after examining the relevant records. The audited accounts for the period from 2016 to 2023 have also been placed before this Court. Insofar as the accounts relating to the purchase of the Krishnavilasam property by Sale Deed dated 8.04.2013, which was funded through contributions from devotees, are concerned, it is stated that the same were maintained in as many as 84 bound volumes. According to the Samithi, these records were kept in the Kulapura Malika as well as in its office situated in the Ernakulathappan Ground. It is further contended that the Samithi was in lawful occupation of the said premises as a tenant and had been regularly remitting rent to the Devaswom Board. However, it is contended that, certain officials of the Cochin Devaswom Board forcibly broke open the office of the 3rd respondent in the intervening night of 23.01.2025 and took possession of the premises. It is further alleged that various records, including the account statements pertaining to the



Krishnavilasam project, were taken away by the officials of the Board. It is stated that, in this regard, separate complaints were submitted by the Secretary of the Samithi before the Station House Officer and the Commissioner of Police, the first on 24.01.2025 and the second on 24.04.2025. Copies of these complaints have been produced as Annexures-R3(ac) and R3(ae) respectively. It is further asserted that no effective action was taken on the said complaints.

66. However, upon a careful examination of the records, we find that the very same Secretary had earlier filed an additional reply affidavit on 19.06.2025, running into several pages and containing 24 paragraphs, wherein there is not even a whisper of any allegation that the officials of the Board had trespassed into the premises or had taken away any records. Significantly, this allegation surfaces for the first time only after this Court specifically directed the Samithi to produce the account details relating to the funds collected for the purchase of the Krishnavilasam property. Furthermore, the Samithi was hotly contesting the matter before this Court and if the incident as alleged above had actually happened, the first thing that the Samithi would have done is file an application before this Court seeking intervention. No such action was taken. This belated assertion, therefore, raises serious doubts as to its veracity. Moreover, even assuming such an incident had occurred, nothing prevented the Samithi from producing copies of the relevant records through alternate sources, such as from its Chartered Accountant or from the Registrar of Societies, with whom it was statutorily bound to file its audited accounts annually. The complete absence of



any such attempt further undermines the credibility of the explanation offered. In the above circumstances, the conclusion becomes inescapable that the plea of loss of records is a mere afterthought. It is thus obvious that, had the accounts been produced, serious irregularities would have come to light.

67. The materials on record indicate that substantial amounts of money were collected from devotees and the general public under the scheme "One Foot Land for Lord Shiva" for the purpose of acquiring the property, and that the utilisation of such funds has not been transparently or properly accounted for. We are, therefore, of the firm view that the allegation of theft of records is wholly untenable and has been raised only with the intent to obscure the manner in which public funds were collected, utilised, and appropriated by the Samithi.

68. The next question that arises for consideration is with respect to the nature of relief that can be granted in these proceedings. As stated earlier, DBP No. 41 of 2022 was registered suo motu pursuant to the directions issued by this Court in its order dated 29.07.2022 in DBP No. 31 of 2022. It was in the course of examining the issues arising in the said proceedings that serious violations of the directions issued by this Court, particularly in relation to the transfer of property, came to light.

69. We have already adverted to the statutory scheme, including Section 68 of the Act, which casts a clear obligation upon the Board to administer Devaswoms and institutions under its control in its capacity as a trustee. The Board is bound to



manage such institutions in accordance with the objects of the trust, established usages and customs, and to ensure that the funds and properties are applied strictly for the purposes for which they are held. In the present case, the Samithi was, in effect, functioning as the Temple Advisory Committee, and it was at its instance that permission was granted by the Board, with the approval of this Court, to collect funds from devotees. In such circumstances, the Samithi was also discharging fiduciary functions and must be regarded as acting as a trustee in respect of the temple and its properties.

70. The legal position governing trustees is well settled. Section 51 of the Indian Trusts Act, 1882 mandates that a trustee shall not use trust property for his own profit, and Section 52 imposes a duty of honesty and diligence in dealing with trust property. These principles have been emphatically reiterated by the Apex Court in **M.V. Ramasubbiar v. Manicka Narasimachari** (supra), wherein it was held that a trustee is bound by stringent fiduciary obligations and must act with utmost good faith, prudence, and loyalty, solely in the interest of the trust. The statutory framework, particularly under Sections 49, 51, and 52 of the Trusts Act, prohibits a trustee from dealing with trust property for personal benefit or acquiring it in his own name or through intermediaries. Such prohibitions cannot be circumvented by resorting to transactions in the name of close relatives or associated entities, as such arrangements would, in substance, result in indirect enrichment of the trustee. In such situations, it is incumbent upon the Court to closely scrutinize the transaction



and determine whether there has been a bona fide exercise of power or a breach of trust. Further, in **A.A. Gopalakrishnan** (supra), the Apex Court has cautioned against the growing instances where persons entrusted with the management of temple and Devaswom properties have misused their position to usurp such properties by setting up untenable claims of ownership, tenancy, or adverse possession. The Apex Court has stressed that such acts must be dealt with firmly and that it is the duty not only of the authorities but also of the courts to vigilantly protect and safeguard the properties of religious and charitable institutions from encroachment, misuse, or misappropriation.

71. In **Arjunan T. N. v. President, Temple Advisory Committee and Others**<sup>3</sup>, the facts were that 20 cents of land in front of Kaippillikkavu Bhagavathi Temple was purchased utilizing money collected from the devotees. The Temple Thanthri inaugurated that collection scheme 'കൈപ്പിള്ളിക്കാവിലമ്മയ്ക്ക് ഒരടി മണ്ണ്' (Meaning - One foot land for Kaippillikkavilamma). Money was collected from the devotees by a temple advisory committee consisting of three members. However, one Somanathan, who was dealing with the affairs of the Temple Advisory committee, and Sri.Madhusoodanan drew up and registered a Trust in the name 'Sree Bhagavathi Seva Trust' and the land was purchased in the name of that Trust utilizing the aforesaid funds. A division Bench of this Court after appreciating the facts and circumstances held as under:

---

<sup>3</sup> 2012 (4) KHC 155



4. The substance emanating out of the materials available in this case is that collections were made by issuing receipts with the caption 'കേശത്രത്തിന്റെ മുൻവശത്തുള്ള സ്ഥലം വാങ്ങുന്നതിനുള്ള ധനശേഖരണാർത്ഥം'. The receipts available at Annexures A and B along with the report of the learned ombudsman are issued on 08/09/2006 by the 'Convenor, Land Endowment Scheme'. Obviously, such amounts were collected on the premise and by making the public believe that the collection is a 'ഭൂസമർപ്പണ പദ്ധതി' in favour of the deity. Ext. R3(a) deed by which Somanathan and Madhusoodanan constituted a Trust is dated 05/11/2006. we see that the Advocate, who prepared it, has signed it only on 30/11/2006, going by the endorsement under his signature. Thus, even the registration and formation of the so-called Trust is more than two months after the collection of funds as evidenced by Annexures A and B. It was only on 30/11/2006 that the property was got conveyed in favour of Madhusoodanan, Somanathan and Raveendran on behalf of the Perumballoor Sree Bhagavathi Seva Trust. The acquisition on behalf of that Trust is, obviously, in the form of a dedication to the deity of the temple concerned and such dedication has been made utilizing 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, we cannot but hold that the extent of 20 cents of land covered by Ext. R3 (b) document No. 6540/2006, is an item of property which stands dedicated in favour of the deity and the purchase of the land utilizing the amounts was only for the sake of; in favour of; and, in the course of dedication to, the deity. Travancore Devaswom Board holds all properties of the temples under its control, in terms of the provisions of the Travancore-Cochin Hindu Religious Institutions Act, 1950. Necessary governance consequences would follow.



5. In the result, in exercise of authority under Art.226 of the Constitution and by virtue of the supervisory control being exercised by this Court in relation to the Devaswom Boards and properties of Devaswoms and Temples, it is declared that the land covered by the aforesaid document No. 6540/2006 dated 30/11/2006 and all structures standing thereon vests absolutely in the deity of the Kaippillikkavu Bhagavathi Temple and those properties can be managed only by the Travancore Devaswom Board. Any person occupying such property, including the Perumballoor Sree Bhagavathi Seva Trust, shall cease to occupy that parcel and it will be exclusively under the management and control of the TDB on behalf of the deity. By reason of this declaration, the revenue authorities concerned shall issue necessary orders effecting mutation in favour of the TDB or the deity, as the case may be, to have that parcel included in the appropriate revenue records.

72. We are of the considered opinion that this is a fit case wherein necessary directions are to be issued to protect the property of Lord Shiva. In the above circumstances, and having regard to the findings recorded herein, we deem it appropriate to exercise the jurisdiction of this Court under Article 226 of the Constitution of India, as well as the supervisory control vested in this Court over Devaswom Boards and the properties of temples and Devaswoms. Accordingly, in order to restore the position in accordance with law and to safeguard the interests of the deity, the following directions are issued:

- a) We declare that the land covered by Sale Deed No. 1356/2013 dated 09.04.2013, executed by the Secretary of the Cochin Devaswom Board, together with all structures standing thereon, vests absolutely in the



deity of the Ernakulam Shiva Temple. Consequently, the said property can be administered and managed only by the Cochin Devaswom Board, in its capacity as trustee of the deity.

- b) The Ernakulam Shiva Kshethra Samithi, which is presently in possession and enjoyment of one-half share of the said property, having an extent of 47.82 ares comprised in Sy. Nos. 750 and 1561 of Ernakulam Village, Kanayannur Taluk, Ernakulam District, shall forthwith cease to occupy the said portion. The entire property shall hereinafter remain under the exclusive management and control of the Cochin Devaswom Board on behalf of the deity.
- c) In consequence of the above declaration, the concerned revenue authorities shall take immediate steps to effect mutation of the property in favour of the Cochin Devaswom Board or, as the case may be, in the name of the deity, and incorporate the same in the relevant revenue records, in accordance with law. Necessary entries to that effect shall be carried out in all relevant records.
- d) We further direct the Sub Registrar, Ernakulam, to carry out the necessary entries in the registration records to reflect the above position. The Registry shall forward a copy of this judgment to the Sub Registrar concerned forthwith, to enable compliance without delay.



73. Insofar as the disputes relating to the funds collected from the public for the purchase of the aforesaid property are concerned, it is significant to note that the records specifically called for by this Court have not been produced. This omission is not a mere procedural lapse, but goes to the very root of the matter. We must, therefore, strongly deprecate the conduct of the Samithi. Having collected substantial amounts from the public in the name of the deity, and that too with the concurrence and permission of this Court, the Samithi stood in the position of a trustee and was under a bounden obligation to maintain transparency and render a full and proper account of such funds.

74. In the above circumstances, we direct the Cochin Devaswom Board to initiate appropriate proceedings forthwith to ensure that the amounts collected by the Samithi in the name of Lord Shiva are duly accounted for, verified, and subjected to audit in accordance with law. Such audit shall be conducted strictly in terms of the provisions contained in Rules and Byelaws, as well as by the competent Audit Department. The Board shall also take steps to secure and produce all relevant records necessary for this purpose.

75. Needless to observe, if, upon such scrutiny, any instance of misappropriation, diversion of funds, or breach of trust is disclosed, appropriate complaints shall be lodged without delay and proceedings shall be initiated in accordance with law to bring the persons responsible to account. Such exercise as



ordered above shall be carried out within a period of four months from the date of receipt of a copy of this judgment.

With these directions, DBP No. 41 of 2022 & WP(C) No. 15798 of 2023 are disposed of.

sd/-  
**RAJA VIJAYARAGHAVAN V,  
JUDGE**

sd/-  
**K.V. JAYAKUMAR,  
JUDGE**

APPENDIX OF DBP NO. 41 OF 2022

## RESPONDENT ANNEXURES

- ANNEXURE R2 (a) True copy of relevant pages of the thanathu register maintained by the 2nd respondent in respect of Ernakulam Shiva Temple during 1997-98.
- ANNEXURE R2 (b) True copy of relevant pages of the thanathu register maintained by the 2nd respondent in respect of Ernakulam Shiva temple during 2016-2017.
- ANNEXURE R2 (c) True copy of Award No. 34/96 issued by the Land Acquisition Officer, Special Tahasildar (LA), National Highway, Ernakulam.
- ANNEXURE R2 (d) True copy of survey plan in respect of property covered by Annexure R2(c).
- ANNEXURE R2 (e) True copy of proceedings of the second respondent dated 24/06/2000 (order dated 24/06/2000 on H1. 6265/97).
- ANNEXURE R2 (f) True copy of proceedings dated 23/09/2000 in H1. 6265/97 issued by the 2nd respondent.
- ANNEXURE R2 (g) True copy of order dated 21/07/2000 in CMP No. 3062 of 2000 in CMP No. 1866 of 2000 passed by this Honourable Court.
- ANNEXURE R2 (h) True copy of order dated 18/10/2000 on R. 3169/98 issued by the 2nd respondent.
- ANNEXURE R2 (i) True copy of order No. A5. 1471/07 dated 21/03/2009 issued by the 2nd respondent.
- ANNEXURE R2 (j) True copy of judgment dated 11/06/2009 in DBA No. 64 of 2009 passed by this Honourable Court.
- ANNEXURE R2 (k) True copy of Order on R.6635/09 dated 08/03/2011 issued by the 2nd respondent.
- ANNEXURE R2 (l) True copy of order No. A5. 1471/07 dated 17/03/2011 issued by the second respondent.
- ANNEXURE R2 (m) True copy of order No. R. 6635/09 dated 26.3.2011 issued by the 2nd respondent.
- ANNEXURE R2 (n) True copy of agreement dated 01.04.2011 entered into between respondents 2 and 3.



- ANNEXURE R2 (O) True copy of order No. A5. 1471/07 dated 23/07/2011 issued by the 2nd respondent.
- ANNEXURE R2 (p) True copy of order on H1. 1517/2012 dated 26.7.2012 issued by the 2nd respondent.
- ANNEXURE R2 (q) True copy of order dated 14.11.2012 in DBP No. 196/2012 passed by this Honourable Court.
- ANNEXURE R2 (r) True copy of order No. R. 6635/09 dated 28.2.2013 issued by the 2nd respondent.
- ANNEXURE R2 (s) True copy of order No. A5. 1471/07 dated 18/03/2013 issued by the 2nd respondent.
- ANNEXURE R2 (t) True copy of sale deed dated 8.4.2013 registered as Doc. No. 1356/2013 of SRO, Ernakulam executed by Corporation of Kochi in favour of Cochin Devaswom Board (2nd respondent) and Ernakulam Kshethra Kshema Samithi (3rd respondent).
- ANNEXURE R2 (u) True copy of order dated 10.4.2013 in DBP No. 28/2010 passed by this Honourable Court.
- ANNEXURE R2 (v) True copy of order No. A5. 1471/07 dated 05/05/14 issued by the 2nd respondent.
- ANNEXURE R2 (w) True copy of order No. R-2076/80 dated 21/06/2014 issued by the second respondent.
- ANNEXURE R2 (x) True copy of order No. R-2076/80 dated 04/05/2015 issued by the 2nd respondent.
- ANNEXURE R2 (y) True copy of order No. A5-1471/07 dated 29/09/2015 issued by the 2nd respondent.
- ANNEXURE R2 (z) True copy of judgment dated 01.10.2015 in WP(Civil) No. 25962 of 2014 passed by this Honourable Court.
- ANNEXURE R2 (aa) True copy of request dated 05.10.2015 submitted by the third respondent to the second respondent.
- ANNEXURE R2 (ab) True copy of Order No. A5 1471/07 dated 02/11/15 issued by the second respondent.
- ANNEXURE R2 (ac) True copy of request dated 10.12.2015 submitted by the 3rd respondent to the President of the 2nd respondent board.
- ANNEXURE R2 (ad) True copy of order No. A5 1471/07 dated 23/01/16 issued by the 2nd respondent.
- ANNEXURE R2 (ae) True copy of order dated 18/05/2016 in DBA No. 4 of 2016 passed by this Honourable



Court.

- ANNEXURE R2 (af) True copy of Order No. A5. 1471/07 dated 15.6.2016 issued by the 2nd respondent.
- ANNEXURE R2 (ag) True copy of letter dated 17.6.2016 issued by the third respondent to the Special Commissioner, CDB.
- ANNEXURE R2 (ah) True copy of draft project report dated 5.8.2013 submitted by the 3rd respondent to the 2nd respondent
- ANNEXURE R2 (ai) True copy of order No. R. 13809/2015 dated 08.07.2016 issued by the 2nd respondent
- ANNEXURE R2 (aj) True copy of letter dated 25.7.2016 issued by the 3rd respondent to the Devaswom Secretary, Government of Kerala
- ANNEXURE R2 (ak) True copy of order on A5.1471/07 dated 31/08/2016 issued by the 2nd respondent.
- ANNEXURE R2 (al) True copy of request dated nil submitted by the 3rd respondent to the Devaswom Officer, Ernakulam Shiva temple
- ANNEXURE R2 (am) True copy of report (Ref. No. M4/7/13 dated 04.10.2016) submitted by the Assistant Commissioner, Thripunithura to the 2nd respondent.
- ANNEXURE R2 (an) True copy of order on A5. 1471/2007 dated 30.1.2017 issued by the 2nd respondent.
- ANNEXURE R2 (ao) True copy of order No. A5. 1471/07 dated 02.02.2017 issued by the 2nd respondent.
- ANNEXURE R2 (ap) True copy of order No. A5. 1471/07 dated 17.3.2018 issued by the 2nd respondent.
- ANNEXURE R2 (aq) True copy of order No. A5. 1471/07 dated 30.10.2018 issued by the 2nd respondent.
- ANNEXURE R2 (ar) True copy of proceedings dated 25.6.2019 of the learned Ombudsman in SMC No. 54 of 2019.
- ANNEXURE R2 (as) True copy of CDB Report No. 41/2019 in Petition No. 8/2019 dated 25.6.2019 submitted by the learned Ombudsman.
- ANNEXURE R2 (at) True copy of order dated 23.7.2019 in DBP No. 34/2019 passed by this Honourable Court.
- ANNEXURE R2 (au) True copy of communication (Ref. No. M4 7/13 dated 01.12.2020) issued by the Assistant Commissioner, Thripunithura to the Special



- Devaswom Commissioner.
- ANNEXURE R2 (av) True copy of order No. A5. 1471/2007 dated 23.12.2020 issued by the 2nd respondent.
- ANNEXURE R2 (aw) True copy of the minutes of the meeting convened by the then President of the 2nd respondent with 3rd respondent dated 19.11.2022.
- ANNEXURE R2 (ax) True copy of Order No. R. 13809/15 dated 12.12.2022 issued by the 2nd respondent.
- ANNEXURE R2 (ay) True copy of letter dated 19.12.2022 submitted by the 3rd respondent to the President of 2nd respondent Board.
- ANNEXURE R2 (az) True copy of report No. R1-1612/12 dated 28.12.2022 issued by the Devaswom Assistant Commissioner, Thripunithura group to the Devaswom Commissioner.
- ANNEXURE R2 (ba) True copy of Report No. R. 13809/15 dated 15.2.2022 submitted by the Assistant Engineer, Thripunithura group, CDB to the 2nd respondent.
- ANNEXURE R2 (bb) True copy of report dated 17.2.2023 forwarded by the Devaswom Officer, Ernakulam Devaswom.
- ANNEXURE R2 (bc) True copy of order No. A5-1471/07 dated 12.4.2023 issued by the 2nd respondent
- ANNEXURE R2 (bd) True copy of letter dated 10/05/2023 issued by the Devaswom Officer, Ernakulam Devaswom to the third respondent
- ANNEXURE R2 (be) True copy of letter dated 10/05/2023 issued by the Devaswom Officer, Ernakulam Devaswom to the third respondent
- ANNEXURE R2 (bf) True copy of communication dated 13/05/2023 issued by Devaswom Officer, Ernakulam Devaswom to the Assistant Commissioner, Thripunithura Group without the annexures.
- ANNEXURE R2 (bg) True copy of report dated 14/05/2023 submitted by the Devaswom Officer, Ernakulam Devaswom to the Assistant Commissioner, Thripunithura Group
- ANNEXURE R2 (bh) True copy of report dated 14/05/2023 submitted by Devaswom Officer, Ernakulam



- Devaswom to the Assistant Commissioner, Thripunithura Group and the annexures produced along with the said report
- ANNEXURE R2 (bi) Photographs (7 Nos.) of the boards and notices (Confidential)
- ANNEXURE R2 (bj) True copy of report dated 17/05/2023 submitted by the Devaswom Officer, Ernakulam Devaswom to the Assistant Commissioner, Thripunithura Group
- ANNEXURE R2 (bk) True copy of notice published by the third respondent
- ANNEXURE R2 (bl) True copy of report dated 19.6.2023 prepared by the Devaswom Officer, Ernakulam Devaswom showing the income received from the 2nd respondent during the last five years from the 3rd respondent and the amount spent by the 2nd respondent during the last five years at Ernakulam temple.
- ANNEXURE R2 (bm) True copy of report dated 19.6.2023 prepared by the Asst Commissioner (Valuables), CDB.
- ANNEXURE R2 (bn) True copy of communication dated 15/06/2023 submitted by the Devaswom Officer, Ernakulam Devaswom to the Asst Commissioner, Thripunithura Group along with the annexures.
- ANNEXURE R2 (bo) True copy of report submitted by the Asst Engineer, CDB, Thripunithura Group.
- ANNEXURE R2 (bp) True copy of Report dated 29/05/2023 submitted by Devaswom Officer, Ernakulam Devaswom alongwith the annexures
- ANNEXURE R2 (bq) True copy of report dated 03/06/2023 submitted by Devaswom Officer, Ernakulam Devaswom to the Asst Commissioner, Thripunithura Group.
- ANNEXURE R2 (br) True copy of report dated 09/06/2023 submitted by Devaswom Officer, Ernakulam Devaswom to the Asst Commissioner, Thripunithura Group.
- ANNEXURE R2 (bs) True copy of report dated 26.6.2023 submitted by the Devaswom Officer, Ernakulam Devaswom to the Assistant Commissioner, Thripunithura Group without the enclosures.



- ANNEXURE R2 (bt) True copy of report dated 27.6.2023 submitted by the Devaswom Officer, Ernakulam Devaswom to the Assistant Commissioner, Thripunithura Group without the enclosures.
- ANNEXURE R2 (bu) True copy of report dated 27.6.2023 submitted by Assistant Commissioner (Valuables), Cochin Devaswom Board, Thrissur.
- Annexure R2 (bv) True copy of the report dated 7.7.2023 submitted by the Devaswom Officer, Ernakulam Devaswom to the Assistant Commissioner, Thripunithura Group.
- Annexure R2 (bw) True copy of Order on M4. 917/2022 dated 28.01.2022 issued by the 2nd respondent.
- ANNEXURE R2 (bx) True copy of email communication dated 05/08/2023 issued by Asha Muralidhar to Ernakulam Shiva temple along with the screenshot of the payment effected by her.
- ANNEXURE R2 (by) True copy of letter dated 08/08/2023 submitted by the Devaswom officer to the Asst Commissioner, Thripunithura Group.
- ANNEXURE R2 (bz) True copy of report dated 05/09/2023 submitted by the Devaswom Officer to the Asst Commissioner, Thripunithura group and the enclosures.
- ANNEXURE R2 (ca) True copy of letter dated 17.8.2023 issued by the 3rd respondent to the Devaswom Officer, Ernakulam Shiva Temple, Ernakulam.
- ANNEXURE R2 (cb) True copy of communication dated 5.9.2023 issued by the 3rd respondent to the Devaswom Officer, Ernakulam Shiva Temple
- ANNEXURE R2 (cc) True copy of communication dated 5.9.2023 from the 3rd respondent to the Devaswom Officer, Ernakulam Shiva Temple
- ANNEXURE R2 (cd) True copy of communication dated 5.9.2023 issued by the Devaswom Officer, Ernakulam Shiva Temple to the Assistant Commissioner, Thripunithura Group.
- ANNEXURE R2 (ce) True copy of complaint dated 17.8.2023 from one P. Krishnankutty to the Commissioner.



- ANNEXURE R2 (cf) True copy of report dated 19/09/2023 submitted by the additional sixth respondent to the Asst Commissioner, Thripunithura group.
- ANNEXURE R2 (cg) True copy of the report dated 09.09.2023 submitted by the Devaswom Officer to the Assistant Commissioner, Thripunithura Group.
- ANNEXURE R2 (ch) True copy of report dated 30.9.2023 submitted by the additional 6th respondent to the Assistant Commissioner, Thripunithura Group with the annexures.
- ANNEXURE R2 (ci) True copy of Order No. C.S.6643/23 dated 7.7.2023 issued by the 2nd respondent.
- ANNEXURE R2 (cj) True copy of list of temples where online offering (vazhipadu) booking facility is available and the temples having official website.
- ANNEXURE R2 (ck) True copy of order No. R. 13809/15 dated 18.5.2023 issued by the Devaswom Commissioner
- ANNEXURE R2 (cl) True copy of notice dated 30.5.2023 issued by Devaswom Officer, Ernakulam Devaswom, Cochin Devaswom Board to the 3rd respondent
- Annexure R3 (a) True photostat copy of the letter dated 20.10.2022 issued by the 3rd respondent before the 2nd respondent.
- Annexure R3 (b) True photostat copy of the agreement for sale dated 07-09-2000 entered into between respondents 2 and 3 and the Corporation of Kochi
- Annexure R3 (c) True Copy The letter dated nil issued by Thixotropy Design and Construction Solutions, to the President of the 3rd respondent samithi explaining the status of construction of the devaswom office building
- Annexure R3 (d) True Copy The statements of accounts in respect of constructed by the 3rd respondent samithi from the year 2016 onwards. the said works



- Annexure R3 (e) True copy of its bye-laws
- Annexure R3 (f) The true photostat copy of the letter dated 07-06-2023 issued by the 3rd respondent, duly acknowledged by the Devaswom Officer, Ernakulam Devaswom.
- Annexure R3 (g) The true photostat copy of the letter dated 02-06-2023 issued by the 3rd respondent samithi to the Devaswom Officer, Ernakulam Devaswom.
- Annexure R3 (h) The true photostat copy of letter dated 17-06-2023 issued by the Devaswom Officer, Ernakulam Devaswom to the 3rd respondent.
- Annexure R3 (i) The true photostat copy of the letter dated 19-06-2023 issued by the 3rd respondent to the Devaswom Officer, Ernakulam Devaswom.
- Annexure R3 (j) The true photostat copy of the letter dated 18-06-2023 issued by the Devaswom Officer, Ernakulam Devaswom to the 3rd respondent samithi.
- Annexure R3 (k) The true photostat copy of the letter dated 19-06-2023 issued by the 3rd respondent to the Devaswom Officer, Ernakulam Devaswom.
- Annexure R3 (l) The true photostat copy of a receipt for donation for 'sarpabali' issued by the 3rd respondent with the seal of the Devaswom Officer, Ernakulam Devaswom.
- Annexure R3 (m) The true photostat copy of the letter dated 30-05-2023 issued by the 3rd respondent to the President of the 2nd respondent.
- Annexure R3 (n) TRUE PHOTOSTAT COPY OF THE NOTICE ISSUED BY THE PRESIDENT, SECRETARY AND TREASURER OF THE UNIVERSAL SOCIETY FOR SRIRAMA CONSCIENCE (RAMPRASTHAN) AND THE DEVASWOM OFFICER, ERNAKULAM DEVASWOM PERTAINING TO THE EVENT IN CONNECTION WITH THE RAMAYANA WEEK SCHEDULED TO BE CONDUCTED IN THE ERNAKULAM Shiva TEMPLE PREMISES FROM 17-07-2023 TO 24-07-2023
- Annexure R3 (o) TRUE PHOTOSTAT COPIES OF THE NOTICES OF THE EVENT 'ഭാവയാമി രഘുരാമം' (BHAVAYAMI RAGHURAMAM), FOR THE YEARS 2018



- Annexure R3 (p)** TRUE PHOTOSTAT COPIES OF THE NOTICES OF THE EVENT 'ഭാവയാമി രഘുരാമം' (BHAVAYAMI RAGHURAMAM), FOR THE YEARS 2019
- Annexure R3 (q)** TRUE PHOTOSTAT COPIES OF THE NOTICES OF THE EVENT 'ഭാവയാമി രഘുരാമം' (BHAVAYAMI RAGHURAMAM), FOR THE YEARS 2021
- Annexure R3 (r)** TRUE PHOTOSTAT COPIES OF THE NOTICES OF THE EVENT 'ഭാവയാമി രഘുരാമം' (BHAVAYAMI RAGHURAMAM), FOR THE YEARS 2022
- Annexure R3 (s)** True photostat copy of the communication dated 30-03-2023 issued by the 3rd respondent to Sri.Krishnankutty
- Annexure R3 (t)** TRUE PHOTOSTAT COPY OF THE ORDER DATED 21-07-2023 PASSED BY THE HON'BLE SUPREME COURT OF INDIA IN PETITION TO SPECIAL LEAVE TO APPEAL NO.15254 OF 2023
- Annexure R3 (u)** True Copy of the audited accounts of the 3rd Respondent from the year of 2015 - 16 along with Independent Auditors Report dated 01-03-2017
- Annexure R3 (v)** True Copy of the audited accounts of the 3rd Respondent from the year of 2016 - 17 along with Independent Auditors Report dated 25-01-2018
- Annexure R3 (w)** True Copy of the audited accounts of the 3rd Respondent from the year of 2017 - 18 along with Independent Auditors Report dated 25-03-2019
- Annexure R3 (x)** True Copy of the audited accounts of the 3rd Respondent from the year of 2018 - 19 along with Independent Auditors Report dated 15-03-2021
- Annexure R3 (y)** True Copy of the audited accounts of the 3rd Respondent from the year of 2019 - 20 along with Independent Auditors Report dated 08-09-2021
- Annexure R3 (z)** True Copy of the audited accounts of the 3rd Respondent from the year of 2020 - 21 along with Independent Auditors Report dated 11-02-2023



- Annexure R3 (aa)** True Copy of the audited accounts of the 3rd Respondent from the year of 2021 - 22 along with Independent Auditors Report dated 08-01-2024
- Annexure R3 (ab)** True Copy of the audited accounts of the 3rd Respondent from the year of 2022 - 23 along with Independent Auditors Report dated 09-02-2024
- Annexure R3 (ac)** True Copy of the Complaint filed by the 3rd Respondent before the SHO, Ernakulam Central Police Station dated 24.01.2025
- Annexure R3 (ad)** True Copy of the receipt issued by the Ernakulam Central Police Station dated 24.01.2025 to the 3rd Respondent
- Annexure R3 (ae)** True Copy of the letter addressed to the Commissioner of Police, Ernakulam by the 3rd Respondent dated 24.04.2025

APPENDIX OF WP(C) NO. 15798 OF 2023

## PETITIONER EXHIBITS

- Exhibit P1 TRUE PHOTOSTAT COPY OF THE ORDER OF THE 1ST RESPONDENT BEARING NO.A5-1471/07 DATED 23-01-2016.
- Exhibit P2 TRUE PHOTOSTAT COPY OF THE ORDER DATED 18-05-2016 IN D.B.A.NO.4 OF 2016
- Exhibit P3 TRUE PHOTOSTAT COPY OF THE ORDER BEARING NO.A5-1471/07 DATED 15-06-2016
- Exhibit P4 TRUE PHOTOSTAT COPY OF THE ORDER DATED 23-07-2019 PASSED IN D.B.P.NO.34 OF 2019
- Exhibit P5 TRUE PHOTOSTAT COPY OF THE ORDER BEARING NO.A5.1471/2007 DATED 27-04-2023
- Exhibit P6 TRUE PHOTOSTAT COPY OF THE ORDER BEARING NO.A5-1471/07 DATED 12-04-2023
- Exhibit P7 True photostat copy of the office copy of the covering letter issued by the petitioner samithy duly acknowledged by the Kerala State Audit Department, Kochi Devaswom Audit Office, dated 11-04-2023
- Exhibit P8 TRUE PHOTOSTAT COPY OF THE REPRESENTATION DATED 23-10-2023 SUBMITTED BY THE PETITIONER BEFORE THE PRESIDENT OF THE 1ST RESPONDENT
- Exhibit P9 TRUE PHOTOSTAT COPY OF THE LETTER DATED 07-02-2024 SERVED ON THE DEVASWOM OFFICER, ERNAKULAM DEVASWOM
- Exhibit P10 THE TRUE PHOTOSTAT COPY OF LETTER DATED 17-02-2024 SERVED ON THE DEVASOM OFFICER, ERNAKULAM DEVASOM
- Exhibit P11 TRUE COPY OF THE VOUCHER DATED 26-05-2024 WITH THE SIGNATURE OF THE WORKER
- Exhibit P12 TRUE COPY OF PHOTOGRAPHS OF THE KULAKKADAVU AS AGAINST THE ALLEGATION IN THE AFFIDAVIT
- Exhibit P13 TRUE PHOTOGRAPH IS TAKEN ON 12-07-2024 SHOWING THE CONDITION OF THE COMPOUND WALL



- Exhibit P14 True photostat copy of the order dated 21.07.2020 passed in C.M.P No.3062 of 2000 in C.M.P No.1866 of 2000
- Exhibit P15 True photostat copy of the agreement dated 07.09.2000 entered into between the corporation of Kochi and the 1st respondent and the petitioner Samithi
- Exhibit P16 True photostat copy of the G.O(Rt) No.897/2013/LSGD dated 03.04.2013 by the local self Govt.(RC) Department
- Exhibit P17 True photostat copy of the sale deed No.1356 of 2013 of Ernakula Sub Registry.

## RESPONDENT EXHIBITS

- EXHIBIT R1 (a) True copy of order No. A5. 1471/07 dated 21/03/2009 issued by the first respondent.
- EXHIBIT R1 (b) True copy of CDB Report No. 78 dated 06/11/2008 submitted by the learned Ombudsman before this Honourable court
- EXHIBIT R1 (c) True copy of judgment dated 11/06/2009 in DBA No. 64 of 2009 passed by this Honourable court.
- EXHIBIT R1 (d) True copy of request dated 10/12/2010 submitted by the Secretary, Ernakulam Shiva kshethra Upadeshaka Samithy to the Devaswom Officer, Ernakulam Shiva temple
- EXHIBIT R1 (e) True copy of order dated 07/09/2010 in DBP No. 28 of 2010 on the file of this Honourable Court.
- EXHIBIT R1 (f) True copy of request dated 01/02/2011 submitted by the Ernakulam Shiva kshethra Upadeshaka Samithy to the first respondent.
- EXHIBIT R1 (g) True copy of order No. A5. 1471/07 dated 17/03/2011 issued by the 1st respondent.
- EXHIBIT R1 (h) True copy of CDB Report No. 95 of 2011 in Complaint Nos. 102, 105 and 106 of 2011.
- EXHIBIT R1 (i) True copy of order No. A5. 1471/07 dated 07/12/2011 issued by the first respondent.



- EXHIBIT R1 (j) True copy of order No.A5. 1471/07 dated 23/07/2011 issued by the first respondent.
- EXHIBIT R1 (k) True copy of letter dated 02/03/2012 submitted by the Ernakulam Shiva kshethra Upadeshaka samithy to the Devaswom Officer, Ernakulam Shiva temple
- EXHIBIT R1 (l) True copy of letter No. M4. 507/01 dated 04/04/2012 submitted by the second respondent to the Special Devaswom Commissioner, CDB
- EXHIBIT R1 (m) True copy of request dated 13/03/2012 submitted by the Secretary of Ernakulam Shiva kshethra Upadeshka Samithy to the first respondent.
- EXHIBIT R1 (n) True copy of order No. A5. 1471/07 dated 04/05/2012 issued by the first respondent.
- EXHIBIT R1 (o) True copy of request dated 13/02/2013 (wrongly written as 13/02/1913) submitted by the Secretary of the Upadeshaka Samithi to the 1st respondent.
- EXHIBIT R1 (p) True copy of order No. A5. 1471/07 dated 18/03/2013 issued by the 1st respondent.
- EXHIBIT R1 (q) True copy of complaint dated 01/05/2013 submitted by P.A. Vasudevan and others before the first respondent (without enclosures)
- EXHIBIT R1 (r) true copy of order No. A5. 1471/07 dated 05/05/2014 issued by the Special Devaswom Commissioner
- EXHIBIT R1 (s) True copy of request dated 07/07/2014 submitted by the petitioner to the first respondent.
- EXHIBIT R1 (t) True copy of order No. A5- 1471/07 dated 29/09/2015 issued by the Special Devaswom Commissioner.
- EXHIBIT R1 (u) True copy of order dated 15/10/2014 in writ petition (civil) No. 25962 of 2014 passed by this Honourable Court.
- EXHIBIT R1 (v) True copy of judgment dated 01/10/2015 in writ petition (civil) No. 25962 of 2014 passed by this Honourable Court.



- EXHIBIT R1 (w) True copy of order No. A5. 1471/07 dated 02/11/2015 issued by the first respondent.
- EXHIBIT R1 (x) True copy of request dated 10/12/2015 submitted by the petitioner to the President of the first respondent Board.
- EXHIBIT R1 (y) True copy of bye-laws of the temple advisory committee under the management of the first respondent
- EXHIBIT R1 (z) True copy of order No. A5 1471/2007 dated 23/12/2020 issued by the 1st respondent.
- EXHIBIT R1 (aa) True copy of letter dated 01/11/2021 submitted by the petitioner to the Devaswom Officer, Ernakulam Shiva Temple.
- EXHIBIT R1 (ab) True copy of letter Ref No. M4. 7/13 dated 09/11/2021 issued by the 2nd respondent to the Devaswom Commissioner, Cochin Devaswom Board.
- EXHIBIT R1 (ac) True copy of official memorandum No. A5. 1471/2007 dated 11/01/2022.
- EXHIBIT R1 (ad) True copy of order No. 2076/80 dated 09/07/2017 issued by the first respondent.
- EXHIBIT R1 (ae) True copy of letter dated 17/03/2022 submitted by the President of the first petitioner to the Devaswom Officer, Ernakulam Shiva Temple.
- EXHIBIT R1 (af) True copy of request dated 09/11/2020 submitted by the President of the petitioner.
- EXHIBIT R1 (ag) True copy of request dated 20/10/2022 submitted by the president of the petitioner to the President of the first respondent
- EXHIBIT R1 (ah) True copy of order No. A5 1471/07 dated 15/06/2022 issued by the first respondent.
- EXHIBIT R1 (ai) True copy of letter dated 15.4.2023 submitted by the Devaswom Officer, Ernakulam Devaswom to the 2nd respondent
- EXHIBIT R1 (aj) True copy of Letter Ref. No. M4. 1754/23 dated 17.4.2023 from the 2nd respondent to the to the Devaswom Commissioner
- EXHIBIT R1 (ak) TRUE COPY OF LETTER REF. NO. M4. 808/2020



- DATED 1.9.2023 FORWARDED BY THE 2ND PETITIONER/ 2ND RESPONDENT TO THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD
- EXHIBIT R1 (a1) TRUE COPY OF ORDER NO 13. 11475/23 DATED 27-10-2023 ISSUED BY THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD
- EXHIBIT R1 (am) True copy of order No. A3. 11475/23 dated 4.11.2023 issued by the Devaswom Commissioner, Cochin Devaswom Board
- EXHIBIT R1 (an) True copy of reply dated 7.11.2023 forwarded by the petitioner to the Devaswom Officer, Ernakulam Devaswom
- EXHIBIT R1 (ao) True copy of the receipt dated 26.2.2023 issued by the petitioner in favour of 1st respondent Board
- Exhibit R1 (ap) True copy of panel of devotees and regular worshippers of Ernakulam Shiva Temple submitted by the Cochin Devaswom Board to be included in the adhoc committee
- EXHIBIT R1 (aq) TRUE COPY OF THE MINUTES OF THE MEETING OF THE ADHOC COMMITTEE CONVENED ON 2.12.2023
- EXHIBIT R1 (ar) A true copy of notice bearing No. DICEKM/1073/2025-B5 dated 10/06/2025 issued by the District Industries Centre, Ernakulam to the 1st respondent along with the petition
- EXHIBIT R1 (as) A true copy of the bye-laws of the temple advisory committee published in Kerala Gazette on 07.03.2025 as SRO No. 256/2025
- EXHIBIT R2 (a) TRUE COPY OF THE DRAFT PROGRAMME NOTICE ALREADY PREPARED BY THE BOARD
- EXHIBIT R2 (b) TRUE COPY OF LETTER DATED 24.12.2023 ISSUED BY DEVASWOM OFFICER, ERNAKULAM DEVASWOM TO THE WRIT PETITIONER
- EXHIBIT R2 (c) TRUE COPY OF LETTER DATED 27.12.2023 ISSUED BY THE WRIT PETITIONER TO THE DEVASWOM OFFICER, ERNAKULAM DEVASWOM
- EXHIBIT R2 (d) TRUE COPY OF LETTER DATED 24.12.2023 ISSUED BY THE DEVASWOM OFFICER, ERNAKULAM DEVASWOM TO THE WRIT PETITIONER
- EXHIBIT R2 (e) TRUE COPY OF LETTER DATED 27.12.2023 ISSUED



- BY ERNAKULAM KSHETHRA KSHEMA SAMITHI TO THE DEVASWOM OFFICER, ERNAKULAM DEVASWOM
- EXHIBIT R2 (f) TRUE COPY OF THE REPORT DATED 07.01.2024 SUBMITTED BY THE DEVASWOM OFFICER TO THE ASSISTANT COMMISSIONER, THRIPIUNITHURA GROUP
- EXHIBIT R2 (g) TRUE COPY OF THE REPORT DATED 10.1.2024 SUBMITTED BY THE DEVASWOM OFFICER, ERNAKULAM DEVASWOM TO THE ASSISTANT COMMISSIONER, THRIPIUNITHURA GROUP
- EXHIBIT R2 (h) TRUE COPY OF LETTER NO. M2. 4863/2023 DATED 11.1.2024 ISSUED BY ASSISTANT COMMISSIONER, THRIPIUNITHURA GROUP TO THE WRIT PETITIONER
- EXHIBIT R2 (i) TRUE COPY OF REPORT REF NO. M2.904/2024 DATED 29/02/2024 SUBMITTED BY THE 2ND RESPONDENT TO THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD
- EXHIBIT R2 (j) TRUE COPY OF REPORT NO. M2. 2317/24 DATED 31.5.2024 SUBMITTED BY THE 2ND RESPONDENT BEFORE THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD ALONG WITH REPORT OF THE DEVASWOM OFFICER, ERNAKULAM DEVASWOM
- EXHIBIT R2 (k) TRUE COPY COMMUNICATION BEARING REF. NO. M4. 808/2020 DATED 28.5.2024 ISSUED BY THE 2ND RESPONDENT TO THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM OFFICER ALONG WITH THE COMPLAINT FILED BY ONE M. BALACHANDRA MENON DATED 20.5.2024.
- EXHIBIT R2 (l) TRUE COPY OF COMPLAINT DATED 6.3.2024 SUBMITTED BY THE SECRETARY, THIRUVAMBADY DEVASWOM TO THE DEVASWOM OFFICER, ERNAKULAM Shiva TEMPLE.
- EXHIBIT R2 (m) TRUE COPY LETTER REF. NO. M4. 808/20 DATED 29.6.2024 ISSUED BY THE 2ND RESPONDENT TO THE DEVASWOM COMMISSIONER, COCHIN DEVASWOM BOARD ALONG WITH THE COMPLAINT FILED BY KRISHNAN SONS DATED 28.6.2024
- EXHIBIT R2 (n) True copy of report dated 27/06/2024 submitted by the Devaswom Officer, Ernakulam Devaswom without the photographs



- EXHIBIT R2 (o)** True copy of the estimate prepared by the maramath wing
- EXHIBIT R2 (p)** True copy of order No. H1. 1424/2024 dated 31.7.2024 issued by the 1st respondent in the writ petition