

**(2023) 07 KL CK 0032**

**High Court Of Kerala**

**Case No:** Devaswom Board Petition No. 58 Of 2023

Suo Motu

APPELLANT

Vs

State Of Kerala

RESPONDENT

**Date of Decision:** July 4, 2023

**Acts Referred:**

- Travancore Cochin Hindu Religious Institutions Act, 1950 - Section 73A

**Hon'ble Judges:** Anil K.Narendran, J; P.G. Ajithkumar, J

**Bench:** Division Bench

**Advocate:** S.Rajmohan, K.P. Sudheer, Vineeth Komalachandran, P Sreekumar

**Final Decision:** Disposed Of

### **Judgement**

Anil K.Narendran, J

1. This DBP is registered suo motu, vide proceedings dated 04.07.2023, based on a news report that appeared today (04.07.2023) in Malayala

Manorama daily regarding "Sahasradravyakalasam" in Chottanikkara Bhagavathi Temple, which is a Temple under the management of Cochin

Devaswom Board. The said ritual, which is conducted after a long period of 24 years, will commence tomorrow (05.07.2023), for a period of ten days.

2. Today, when this matter was taken up for consideration at 11.00 a.m, the learned Senior Government Pleader and the learned Standing Counsel for

Cochin Devaswom Board were directed to get instructions. The Temple Advisory Committee of Chottanikkara Bhagavathi Temple, represented by its

Secretary was impleaded as the additional 9th respondent and the said Committee entered appearance through Adv.P.Sreekumar.

3. When the matter is taken up again at 2.00 p.m, the learned Senior Government Pleader, on instructions would submit that the Police has already

made a detailed Bandobust Scheme in connection with â€˜Sahasradravyakalasamâ€™™ in Chottanikkara Bhagavathi Temple. In addition to Police

force from Chottanikkara Police Station, additional Police force from Puthankurishu Police Station, Mulanthuruthy Police Station and Piravom Police

Station are deployed for crowd management. 15 Police personnel, including women police personnel, will be deployed inside the Temple premises. 5

police personnel will be deployed for traffic management and a control room vehicle will be on duty, with 3 police personnel. The 4th respondent

Station House Officer has made all these arrangements in consultation with Deputy Superintendent of Police, Puthankurishu.

4. The learned Standing Counsel for Cochin Devaswom Board would submit that the Board has already made necessary arrangements for the

devotees to have a comfortable Darshan during â€˜Sahasradravyakalasamâ€™™. The devotees will be provided with basic amenities and drinking

water. They will be provided with Annadhanam during 12.30 p.m to 2.30 p.m. The learned counsel for the 9th respondent Temple Advisory

Committee would submit that the Committee shall render necessary assistance to the 7th respondent Devaswom Officer to provide necessary

facilities to the devotees, during â€˜Sahasradravyakalasamâ€™™.

5. The learned Standing Counsel for the 8th respondent Chottanikkara Grama Panchayath would submit that the Panchayath has already made

necessary arrangements in connection with â€˜Sahasradravyakalasamâ€™™ in Chottanikkara Bhagavathi Temple.

6. In the order dated 10.01.2023 in DBP No.1 of 2023, this Court issued various directions regarding crowd management and other activities in

Chottanikkara Bhagavathi Temple. Paragraphs 9 and 10 of that order reads thus:

â€œ9. The parking ground of Chottanikkara Devaswom is sufficient for parking 75 light motor vehicles and 60 heavy passenger vehicles, which is insufficient for

parking vehicles during Mandala-Makaravilakku festival season in Sabarimala. The said fact is not in dispute. During Mandala-Makaravilakku festival season, there

will be a heavy rush at Chottanikkara Bhagavathy Temple, since a substantial portion of inter-state pilgrims will be visiting Chottanikkara Bhagavathy Temple, en route. In addition to this, a large number of devotees from Thiruvairanikulam Temple also visited Chottanikkara Bhagavathy Temple. As stated in the statement filed

by the 2nd respondent, the unexpected arrival of devotees from Thiruvairanikulam Temple, mainly in buses, caused traffic congestion at Chottanikkara, on 08.01.2023.

According to the 2nd respondent, the traffic congestion was cleared within a short time, by mobilising additional police force from other police stations.

10. Since the parking ground of Chottanikkara Devaswom is insufficient for parking vehicles during Mandala-Makaravilakku festival season in Sabarimala, especially

during Nadathurappu days in Thiruvairanikulam Temple, the 5th respondent Assistant Commissioner, Chottanikkara Devaswom, in consultation with the Secretary of

the 7th respondent Chottanikkara Grama Panchayat and the 3rd respondent Station House Officer, Chottanikkara Police Station shall identify parking places for

parking contract carriages carrying pilgrims during Mandala-Makaravilakku festival season. The Secretary of the 7th respondent Grama Panchayat shall take

necessary steps to prevent encroachment of any nature, in any form, either temporary or permanent, on the right of way or pedestrian facilities on public roads

around Chottanikkara Bhagavathy Temple, taking note of the law laid down by this Court in the decisions referred to supra [Suo Motu v. State of Kerala and others-

2022 (7) KHC 185-Sivaprasad v. State of Kerala-2020 (6) KHC 373], in order to ensure the safety of road users, including children, elderly persons and differently abled

persons. Footpaths and other pedestrian facilities shall not be permitted to be encroached by the traders for stocking articles for trade or for display of goods. From

the submissions made at the Bar, we notice that, on 08.01.2023, while clearing the traffic congestion near Chottanikkara Bhagavathy Temple, the police have to face

resistance from the devotees, who were on their way to Thiruvairanikulam Temple. The 2nd respondent District Police Chief and the 3rd respondent Station House

Officer shall ensure that such instances are not repeated near Chottanikkara Bhagavathy Temple in future, which shall be prevented by deploying additional police

force from nearby police stations.â€

In such circumstances, this DBP is disposed of by directing the 4th respondent Station House Officer, Chottanikkara Police Station to ensure a proper and effective crowd management in and around Chottanikkara Bhagavathi Temple, as per the police Bandobust scheme stated in paragraph 3 of this order, in connection with "Sahasradravyakalasam"™ from 05.07.2023 for a period of ten days. In discharge of the statutory duty under Section 73A of the Travancore-Cochin Hindu Religious Institutions Act, 1950, the Cochin Devaswom Board shall provide proper facilities for the devotees to have a comfortable darshan during "Sahasradravyakalasam"™. The devotees shall be provided with basic amenities and drinking water. They shall also be provided with Annadanam during 12:30 p.m. to 02:30 p.m. The 9th respondent Temple Advisory Committee shall render necessary assistance to the activities undertaken by the Cochin Devaswom Board and its officials for the smooth conduct of "Sahasradravyakalasam"™.

The 8th respondent Chottanikkara Gram Panchayat shall take necessary steps to prevent encroachment of any nature, in any form, either temporary or permanent, on the right of way or pedestrian facilities on public roads around Chottanikkara Bhagavathi Temple, taking note of the directions contained in the order of this Court dated 10.01.2023 in DBP No.1 of 2023.