

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

Thursday, the 28th day of November 2024 / 7th Agrahayana, 1946
SSCR NO. 79 OF 2024

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER REPORT - SM.NO.79/2024- REPORT REGARDING THE PREPARATIONS AND ACTION PLANS TO BE MADE BY THE TRAVANCORE DEVASWOM BOARD, THE OTHER DEPARTMENTS OF THE STATE OF KERALA AND THE KERALA POLICE FOR PROVIDING AMENITIES AND FACILITIES TO THE SABARIMALA PILGRIMS AND FOR EFFECTIVE CROWD MANAGEMENT FOR THE ENSUING MADALA MAKARAVILAKKU FESTIVAL 1200 M.E. COMMENCING ON 16/11/2024 - SUO MOTU PROCEEDINGS INITIATED -REG:

PETITIONER:

SUO MOTU



RESPONDENTS:

1. STATE OF KERALA, REP.BY ITS SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, THIRUVANANTHAPURAM-695001
2. STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-695010
3. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA-689645
4. THE DISTRICT COLLECTOR, COLLECTORATE, PATHANAMTHITTA,
KERALA -689645
5. PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
THIRUVANANTHAPURAM-695014

6. DEPUTY DIRECTOR, PERIYAR WEST DIVISION, PEERUMEDU,
IDUKKI -685531
7. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN,
FORT P.O., THIRUVANNATHAPURAM-695035
8. KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM-695033
9. DIRECTOR GENERAL, KERALA FIRE & RESCUE SERVICES HEADQUARTERS,
FIRE FORCE JUNCTION, PULIMOODU P.O., THIRUVANANTHAPURAM-695001
10. DEPUTY EXCISE COMMISSIONER
EXCISE DIVISION OFFICE, 1ST FLOOR, DEVASWOM BOARD BUILDING,
PATHANAMTHITTA-689645
11. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM -695003
12. DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, NANTHANCODE, KAWDIAR POST,
THIRUVANNATHAPURAM-695003
13. THE EXECUTIVE OFFICER
SABARIMALA, PAMPA TRIVENI P.O., PATHANAMTHITTA-689670
14. THE CHIEF POLICE COORDINATOR
(ADDITIONAL DIRECTOR GENERAL OF POLICE (POLICE HEAD QUARTERS)
SANNIDHANAM, SABARIMALA, PATHANAMTHITTA, PIN-689713
*ADDL.R15 TO R17 IMPLEADED
15. THE DISTRICT COLLECTOR,
COLLECTORATE, IDUKKI, KUYILIMALA, PAINAV P.O., IDUKKI-685 603
16. THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, THIRUVALLA,
PATHANAMTHITTA-689 101

17. THE TRANSPORT COMMISSIONER,
KERALA, TRANSPORT COMMISSIONERATE, VAZHUTHACAUD,
THIRUVANANTHAPURAM-695 014
*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 15 TO 17 VIDE
ORDER DATED 14/11/2024 IN SSCR.NO.79/2024
*ADDL.R18 IMPEADED
18. THE SPECIAL OFFICER (DISTRICT TRANSPORT OFFICER),
KSRTC, PAMBA, PIN – 689 662
*IS SUO MOTU IMPEADED AS ADDITIONAL 18TH RESPONDENT VIDE ORDER
DATED 15/11/2024 IN SSCR.NO.79/2024

BY DEPUTY SOLICITOR GENERAL OF INDIA

BY SRI.S.RAJMOHAN, SENIOR GOVERNMENT PLEADER

BY SRI.NAGARAJ NARAYANAN, SPECIAL GOVT.PLEADER (FOREST)

BY SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD

BY SRI.DEEPUN THANGAN, SC, KERALA STATE ROAD TRANSPORT
CORPORATION

BY SRI.JOSHY V.V., SC, KERALA WATER AUTHORITY

BY SMT.SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR SABARIMALA
SPECIAL COMMISSIONER

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ORDERS AGAIN ON 28/11/2024, UPON PERUSING THE REPORT, AND THIS COURT'S
ORDER DATED 27/11/2024, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANIL K. NARENDRAN & MURALEE KRISHNA S., JJ.

SSCR No.79 of 2024

Dated this the 28th day of November, 2024

ORDER

Anil K. Narendran, J.

The learned Senior Government Pleader, on instructions from the 14th respondent Chief Police Co-ordinator, Sabarimala, who is personally present in Court, would submit that yesterday (27.11.2024) the total footfall at Sabarimala was 74,463. At 12.00 a.m. and 6.00 p.m., the tail end of the queue reached Segment 12 near U-Turn. Today (28.11.2024), 26,544 pilgrims had darshan by 9.00 a.m. and the tail end of the queue is within the Nadapanthal. Crowd management is under control at Sannidhanam, Pamba and Nilakkal.

2. In connection with the photography at Pathinettampadi by the police personnel on 24.11.2024 at about 1.30 p.m., the learned Special Commissioner, Sabarimala has filed an additional report dated 27.11.2024.

3. The learned Senior Government Pleader has made available for the perusal of this Court an affidavit dated 27.11.2024 sworn to by the 14th respondent Chief Police Co-ordinator, Sabarimala on the above aspect. The learned Senior Government Pleader would submit that the said affidavit is being filed today. We

have perused the same.

4. As noticed in the order of this Court 27.11.2024, in terms of the directions contained in the order of this Court dated 14.11.2024, experienced police personnel are being deployed at Pathinettamapdi, as a result of which, no major issues are reported in crowd management during the current Mandala-Makaravilakku festival season. Police personnel are taking special care in the case of children of tender age, persons with disabilities and senior citizens.

5. As noticed in the order dated 27.11.2024, a video is circulating in social media regarding the assistance rendered by Sneha Jayan, a volunteer deployed as Special Police Officer in Sabarimala Edathavalam at Erumeli Sree Dharma Sastha Temple, who helped two children (Malikappuram) to comb and tie their hair, at the request of their father. Two screenshots taken from that video are reproduced hereunder;



6. Another video circulating in the visual media is regarding the assistance rendered by the police personnel at Pathinettampadi, to a child by name, Athul, who is affected by Polio. By carrying him in their hands, the police personnel provided him a proper darshan. Two screenshots taken from that news item are reproduced hereunder;



7. As held by this Court in **Sajeev Sastharam v. State of Kerala [2022 (7) KHC 295]**, a 'worshipper', who shows reverence and adoration for Lord Ayyappa, is duty-bound to exercise his right to worship in an accustomed manner and subject to practice and tradition in Sabarimala.

8. Pathinettampadi (18 holy steps) and Thirumuttam of Sabarimala Sannidhanam are not places where photography or videography can be permitted by pilgrims, vloggers, etc.

9. In the affidavit sworn to by the Chief Police Co-ordinator, Sabarimala, it is stated that action shall be taken against the police personnel involved in connection with photography at Pathinettampadi on 24.11.2024.

10. We do not propose to consider the above aspect in these proceedings. It is for the Chief Police Co-ordinator to proceed with the matter, in accordance with law.

11. In the order dated 26.11.2024, this Court noticed the submission made by the learned Senior Government Pleader that security will be tightened at Sabarimala with effect from 01.12.2024 till 06.12.2024. By that order, this Court directed the Chief Police Co-ordinator to submit a report on the above aspect, in a sealed cover.

12. The learned Senior Government Pleader has made available for the perusal of this Court a report dated 27.11.2024 of the Chief Police Co-ordinator on the above aspect, explaining the Special Police Bandobast Scheme from 01.12.2024 to 06.12.2024. The learned Senior Government Pleader would submit that any restrictions imposed in terms of the Special Police Bandobast Scheme shall be with prior intimation to the Travancore Devaswom Board and also the Special Commissioner, Sabarimala. The pilgrims shall be informed about any such restrictions, through the public announcement system at Pamba, Nilakkal, Sannidhanam and also in the trekking path from Pamba to Sannidhanam.

13. The learned Senior Government Pleader, on instructions from the 4th respondent District Collector, Pathanamthitta, who is

the Chairperson of the District Disaster Management Authority, would submit that an action plan by the Disaster Management Team under the control of a Deputy Collector, has already been prepared in order meet various situations in connection with disaster management during Mandala-Makaravilakku festival season of 1200ME (2024-25). The learned Senior Government Pleader has made available for the perusal of this Court the action plan by the District Disaster Management Authority. The learned Senior Government Pleader would submit that a copy of the action plan shall be placed on record along with a memo.

14. In terms of the directions contained in the order of this Court dated 25.11.2024 in connection with the falling of tree on a pilgrim, the learned Senior Government Pleader has filed a report dated 26.11.2024 of the Deputy Director, Periyar West Division, along with a memo. In the said report, the details of trees that fell/lopped during pre-seasonal preparations are furnished. In the said report, it is stated that on 12.11.2024, a safety check was also conducted along Pamba-Sannidhanam Trekking Route, in which Additional District Magistrate, Sabarimala, Superintendent of Police and the officials from the Revenue Department and Travancore Devaswom Board participated and directions given after safety check was complied with by lopping and felling trees, which were

standing in a dangerous condition along the trekking route.

15. One major issue faced by the Travancore Devaswom Board at Malikappuram Temple is the practice that is being followed by pilgrims for the last few Mandala-Makaravilakku festival seasons of throwing clothes on the roof of Malikappuram Temple, pouring turmeric powder on the walls of that temple and rolling coconut around that temple.

16. As already noticed hereinbefore, in view of the law laid down by this Court in **Sajeev Sastharam v. State of Kerala [2022 (7) KHC 295]**, a 'worshipper', who shows reverence and adoration for Lord Ayyappa, is duty-bound to exercise his right to worship in an accustomed manner and subject to practice and tradition in Sabarimala.

17. Since throwing clothes on the roof of Malikappuram Temple, pouring turmeric powder on the walls of that temple and rolling coconut around that temple are not part of the customary practices of Malikappuram Temple, the pilgrims should be requested to avoid such practices at Malikappuram Temple. It is for the Travancore Devaswom Board to issue an advisory to the pilgrims, in the Virtual-Q platform and also through print and visual media that throwing clothes on the roof of Malikappuram Temple, pouring turmeric powder on the walls of that temple and rolling coconut

around that temple are not part of the customary practices of Malikappuram Temple, which should be avoided.

18. Regarding the dumping of waste materials in Mankunda Ayyappa Nilayam at Sabarimala Sannidhanam, a news item appeared in Manorama News.

19. The learned Standing Counsel for Travancore Devaswom Board seeks time to get instructions on the above aspect.

20. Having considered the submissions made at the Bar, we deem it appropriate to direct the Executive Officer, Sabarimala to take immediate steps to clean Mankunda Ayyappa Nilayam at Sabarimala Sannidhanam, in case the said building is dumped with debris, as stated in the news report. An action taken report by the Executive Officer shall be filed before this Court by tomorrow (29.11.2024). A report of the Special Commissioner, Sabarimala on utilisation of the said building for pilgrim accommodation (Viri facility) shall also be filed by tomorrow (29.11.2024).

List this matter tomorrow (29.11.2024) for further consideration.

Sd/-
ANIL K. NARENDRAN, JUDGE

Sd/-
MURALEE KRISHNA S., JUDGE