

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Friday, the 4th day of October 2024 / 12th Aswina, 1946
WP(C) NO. 34716 OF 2024

PETITIONER(S):

1. MANOJ S NAIR, AGED 53 YEARS, S/O. P.C. SHANMUGAN NAIR, RESIDING AT ANANDHABHAVAN, ERUMELY P.O., ERUMELY, KOTTAYAM, PIN - 686509
2. ARUN SATHEESH, AGED 33 YEARS, S/O. SATHEESAN P.K., RESIDING AT VANCHIKAPPARA HOUSE, ERUMELY P.O., ERUMELY, KOTTAYAM, PIN - 686509

RESPONDENT(S):

1. TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, DEVASOM BOARD HEADQUARTES, NANTHANCOD, KOWDIAR P.O., THIRUVANANTHAPURAM, PIN - 695003
2. THE DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD, DEVASOM BOARD HEADQUARTES, NANTHANCOD, KOWDIAR P.O., THIRUVANANTHAPURAM, PIN - 695003
3. THE DEPUTY DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD, OFFICE OF THE DEPUTY DEVASWOM COMMISSIONER, PATHANAMTHITTA, PIN - 689645
4. THE ADMINISTRATIVE OFFICER, ERUMELY DHARMA SASTHA TEMPLE, ERUMELY DEVASWOM, TRAVANCORE DEVASWOM BOARD, ERUMELY TOWN, KOTTAYAM, PIN - 686509

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay all the tender proceedings in Clause B7 and B8 of Exhibit P1 forthwith.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SAJITH KUMAR V., VIVEK A.V., SREEHARI V.S., Advocates for the petitioners and of STANDING COUNSEL, the court passed the following:

ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

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Dated this the 4th day of October, 2024

ORDER

Anil K. Narendran, J.

The petitioners, who are the devotees of Lord Ayyappa of Sabarimala Sree Dharma Sastha Temple, have filed this writ petition seeking a writ of certiorari to quash clauses B7 and B8 in Ext.P1 tender notification issued by the 3rd respondent Deputy Devaswom Commissioner, Pathanamthitta, in respect of Erumeli Devaswom, for the year 1200ME (2024-25). Clauses B7 and B8 in Ext.P1 relate to 'Pottukuthal', i.e., applying Vibhuthi, Sindoor and Chandanam, by Sabarimala pilgrims after 'Pettathullal' and holy bath at Erumeli, on their way to Sabarimala.

2. The learned Standing Counsel for Travancore Devaswom Board would submit that only with an intention to prevent exploitation of the pilgrims by unauthorised persons, who are collecting exorbitant amounts from them, the Board introduced Pottukuthal as a Kuthaka item in Exhibit P1 tender notification. The learned Standing Counsel would point out that the successful bidders of that Kuthaka item are not made parties to this writ petition.

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3. The learned Standing Counsel for Travancore Devaswom Board has made available for the perusal of this Court two video clippings of certain persons giving Vibhuthi, Sindoor and Chandanam at Erumeli Devaswom to Sabarimala pilgrims, after collecting unauthorisedly money from the pilgrims. The learned Standing Counsel seeks time to place on record those video clippings, in a Pen Drive.

4. On a query made by this Court as to whether 'Pottukuthal', i.e., applying Vibhuthi, Sindoor and Chandanam, by Sabarimala pilgrims after 'Pettathullal' and holy bath at Erumeli, on their way to Sabarimala is a customary practice at Erumeli Devaswom, the learned Standing Counsel for Travancore Devaswom Board seeks time to get instructions. The learned Standing Counsel would submit that mirrors are erected at the Nadapanthal of Erumeli Devaswom, for the pilgrims to apply Vibhuthi, Sindoor and Chandanam, free of cost.

5. The learned counsel for the petitioners would submit that the petitioners have no intention to support those who are exploiting Sabarimala pilgrims at Erumeli Devaswom by

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unauthorizedly collecting money from the pilgrims for 'Pottukuthal'.

6. The learned counsel for the petitioners seeks time to file an application to implead the successful bidders for 'Pottukuthal', pursuant to Ext.P1 tender notification and also the concerned Station House Officer.

List on 08.10.2024.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

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APPENDIX OF WP(C) 34716/2024

Exhibit P1

**A TRUE COPY OF THE NOTIFICATION ISSUED BY ROC NO.
176/2024/LELAM DATED 15.08.2024 ALONG WITH THE SCHEDULE
OF ITEMS TO BE TENDERED**

