



"C.R"

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MR. JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 12TH DAY OF SEPTEMBER 2024 / 21ST BHADRA, 1946SSCR NO.26 OF 2024

(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER REPORT- SM. NO.26/2024 - FURTHER REPORT REGARDING WHETHER DONORS OF THE DONOR ROOMS AT SABARIMALA ARE USING THE DONOR ROOM FACILITIES ALLOTTED TO THE DONORS AS PER THE RECORDS OF THE TRAVANCORE DEVASWOM BOARD AND DETAILED ROOM WISE FACTUAL REPORT REGARDING THE BOXES AND OTHER STRUCTURES BUILT INSIDE THE DONOR ROOMS BY THE DONORS AT SABARIMALA SREE DHARMA SASTHA TEMPLE (DONOR ROOM NO.105. SAHYADRI (PC-2) - SUO MOTU PROCEEDINGS INITIATED - REG:-)

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001
- 2 THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR
POST, THIRUVANANTHAPURAM - 695003
- 3 THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS,
NANTHANCODE, THIRUVANANTHAPURAM, PIN- 695005
- 4 EXECUTIVE OFFICER
SABARIMALA, SABARIMALA P.O., PATHANAMTHITTA -689662
- 5 CHIEF VIGILANCE & SECURITY OFFICER (SUPERINTENDENT OF



- POLICE)
TRAVANCORE DEVASWOM HEAD QUARTERS, NANTHANCODE,
KAWDIAR POST, THIRUVANANTHAPURAM - 695003
- 6 CHIEF ENGINEER
MARAMATH WING, TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
KAWDIAR POST, THIRUVANANTHAPURAM - 695003
- 7 THE DEPUTY DIRECTOR
KERALA STATE AUDIT DEPARTMENT, TRAVANCORE DEVASWOM
BOARD AUDIT, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM - 695003
- 8 ADDL R8 - *S BHASKARA RAO
DO.NO.11-15-12, ACHUTHA RAMAYYA STREET, RAMA RAO,
PETTAH, KAKINADA - 533001 (TEL.NO.6304005523)
IS SUO MOTU IMPLEADED AS ADDITIONAL 8TH RESPONDENT AS
PER ORDER DATED 06/08/2024 IN SSCR.NO.26/2024
"SRI.JAGA RAO JJ AND S BHASKARA RAO DO.NO.11-15-12,
ACHUTHA RAMAYYA STREET, RAMA RAO, PETTAH, KAKINADA
– 533001 (TEL.NO.6304005523)" IS CORRECTED AS
ABOVE AS PER ORDER DATED 29/08/2024 IN SSCR NO.26/2024

BY ADVS.
T.MADHU
C.R.SARADAMANI
RENJISH S. MENON
AISWARYA JAYAPAL

OTHER PRESENT:

SRI. G. BIJU, SC, TDB, SRI. S. RAJMOHAN, SR. GP, SMT.
SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR SPL.
COMMISSIONER, SABARIMALA

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING BEEN
FINALLY HEARD ON 12.09.2024, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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

The Special Commissioner, Sabarimala has filed this report pursuant to the direction contained in the order of this Court dated 23.07.2024 in SSCR No.18 of 2024. That report by the Special Commissioner was regarding the necessity of conducting verification whether the actual donors of the donor rooms in Sabarimala are using the donor room facilities allotted to them by the Travancore Devaswom Board. This report is in respect of room No.105 at Sahyadri Pilgrim Centre-2. In the report, it is stated that as per the records maintained by Travancore Devaswom Board, the donors of the room are Sri.Jaga Rao J.J. and Sri.S. Bhaskara Rao, Door No.11-15, Achutha Ramayya Street, Rama Rao, Pettah, Kakinada -533 001.

2. On 06.08.2024, when this report came up for consideration, the donors of room No.105, Sahyadri Pilgrim Centre-2, were *suo motu* impleaded as additional 8th respondent. The learned Senior Government Pleader entered appearance for respondents 1 and 7 and the learned Standing Counsel for



Travancore Devaswom Board for respondents 2 to 6. This Court issued notice by speed post to the additional 8th respondent, returnable within three weeks.

3. On 29.08.2024, when this report came up for consideration it was reported that Sri.Jaga Rao J.J. is no more. Therefore, the description of the additional 8th respondent was *suo motu* corrected as 'S.Bhaskara Rao'. The additional 8th respondent entered appearance through counsel, who sought time to file an affidavit on behalf of that respondent. The learned counsel submitted that the additional 8th respondent is prepared to remove the box kept inside room No.105 at Sahyadri Pilgrim Centre-2, as seen from the photograph which forms part of this report.

4. The additional 8th respondent has filed an affidavit dated 05.09.2024, wherein it is stated that he has already issued a letter dated 01.07.2024 informing the 4th respondent Executive Officer, Sabarimala, that he is prepared to remove the box kept in room No.105 at Sahyadri Pilgrim Centre-2.

5. Heard the learned Senior Government Pleader for respondents 1 and 7, the learned Standing Counsel for



Travancore Devaswom Board for respondents 2 to 6 and the learned counsel for the additional 8th respondent.

6. Travancore-Cochin Hindu Religious Institutions Act, 1950 enacted by the State Legislature makes provision for the administration, supervision and control of incorporated and unincorporated Devaswoms and of other Hindu Religious Endowments and Funds. As per the provisions under Section 3 of the Act, the administration of incorporated and unincorporated Devaswoms shall vest in Travancore Devaswom Board. As per Section 15A of the Act, it shall be the duty of the Board to perform the following functions, namely, (i) to see that the regular traditional rites and ceremonies according to the practice prevalent in the religious institutions are performed promptly; (ii) to monitor whether the administrative officials and employees and also the employees connected with religious rites are functioning properly; (iii) to ensure proper maintenance and upliftment of the Hindu religious institutions; (iv) to establish and maintain proper facilities in the temples for the devotees. As per Section 31 of the Act, subject to the provisions of Part I and the rules made thereunder, the Board shall manage the



properties and affairs of the Devaswoms, both incorporated, and unincorporated as heretofore, and arrange for the conduct of the daily worship and ceremonies and of the festivals in every temple according to its usage.

7. Sabarimala Devaswom is an incorporated Devaswom mentioned in Schedule I of the Act, under Chengannur Group, Pathanamthitta Taluk. In view of the provisions under Section 15A(iv) of the Act, the Board is duty-bound to establish and maintain proper facilities for the devotees in Sabarimala. In view of the provisions under Section 31 of the Act, the Board is duty bound to make proper arrangements for the conduct of daily worship and ceremonies and of the festivals in Sabarimala, according to its usage.

8. Sabarimala is situated in a difficult forest terrain prone to natural disasters. Sabarimala and its vicinity are declared as a Special Security Zone under Section 83(1) of the Kerala Police Act, 2011, in order to exercise the powers under Section 83(2) of the said Act, to ensure a safe, secure and hassle-free pilgrimage, in terms of the notification issued by the State Government. The management of Virtual-Q system for



Sabarimala darshan is governed by the directions contained in the order of this Court in **Suo Motu v. Travancore Devaswom Board and others [2022 (7) KHC SN 5 : 2022 SCC OnLine Ker 2185]**. As directed in that order, verification of Virtual-Q tickets and other related matters are the responsibilities of the Kerala Police, as part of crowd management.

9. In **Sajeev Sastharam v. State of Kerala [2022 (7) KHC 295]** this Court held that 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 the practice and tradition in Sabarimala. The restrictions imposed at Sabarimala during Maasapoojas and festival seasons, including Mandala-Makaravilakku festival seasons, are applicable to all 'worshippers', who are duty-bound to obey such restrictions, in order to ensure a smooth flow of pilgrims in front of the Sopanam of Sabarimala Sree Dharma Sastha Temple and darshan for all pilgrims in the queue.

10. DBP No.55 of 2018 was registered *suo motu*, based on the order of this Court dated 11.06.2018 in DBA No.13 of 2016, for dealing with certain aspects relating to the lands



leased out to Travancore Devaswom Board based on various Government orders, for providing amenities to the pilgrims, and for demarcating the said lands after conducting a joint survey. In that DBP, this Court passed a detailed order dated 11.04.2022.

11. In the order dated 11.04.2022 in DBP No.55 of 2018, this Court noticed that Sabarimala Temple was originally having 13 Acres of traditional land. In the year 1965, vide G.O.(Ms.)No.19/65/Agri dated 11.01.1965, an extent of 50 Acres of land was leased out to Travancore Devaswom Board for a period of 99 years, for providing amenities to the pilgrims, and a lease deed dated 12.09.1967 (Annexure A3 in Report No.23 in DBP 55 of 2018) was executed between the Board and the Governor of Kerala. As per Clause (iii) of the terms and conditions in the lease deed, the Board shall use the leasehold only for providing necessary amenities to the pilgrims visiting Sabarimala Temple and for no other purpose. The amenities to the pilgrims shall include facilities like camping, picnicking, resting, bathing, sanitary arrangements. As per Clause (iv), the Board shall have no claim or control over any tree-growth or forest produce, including wildlife available on the leasehold and



the same will be the exclusive property of the Government and controlled by the Wildlife Wing of the Forest Department.

12. In the order dated 11.04.2022 in DBP No.55 of 2018, this Court noticed that as per Clause (v) of the terms and conditions in the lease deed, Travancore Devaswom Board or its agents and employees shall not fell or remove any tree growth from the leasehold except those on such of the sites as are required by the Board for implementing their developmental programmes for providing more amenities to the pilgrims visiting Sabarimala Temple. As per Clause (vi), if any site or area within the leasehold is required for the construction of buildings, tenements, sheds or for sanitary arrangements, the tree growth on such site or area may be removed by the Board at their cost, with the previous permission of the Forest Department. Before felling the trees, the Board shall pay to the Wildlife Wing of the Forest Department the value of the tree growth calculated at the then prevailing seigniorage rates. As per Clause (xii), the lease right sanctioned to the Board shall confer on it only the right to make use of the area from which forest growth is cleared after payment, as and when required, within the area sanctioned.



13. In the order dated 11.04.2022 in DBP No.55 of 2018, this Court noticed that, as per the description in the lease deed dated 12.09.1967, the leasehold is an area having 50 Acres (20.23 Hectares) surrounding Sabarimala Temple, as per the sketch attached thereto. The total area of the plot [31.75 chains (gunters)x20 Chains (gunters)] is 63.50 Acres (25.69 Hectares). From this, an area of 13.00 Acres (5.26 Hectares) is excluded, being the area already in the possession of Sabarimala Temple, and another plot of half an acre (0.20 Hectares) is excluded, being the area reserved by the Forest Department. The lease agreement relates to the balance area of 50 Acres (20.23 Hectares).

14. In the order dated 11.04.2022 in DBP No.55 of 2018, this Court noticed that in the year 1986, vide G.O.(Ms.)No. 97/86/F&WLD dated 22.10.1986, diversion of an extent of 4.695 Acres of land was ordered at Malikappuram. In addition to this, by the said Government order, Travancore Devaswom Board was granted permissive occupation of 13.813 Acres of land at Saramkuthi and another extent of 6.5 Acres on the eastern side of Nadapanthal for having a 'magazine floor' for fireworks.



Thereafter, by G.O(Rt.)No.594/05/F&WL dated 31.10.2005, diversion of a total extent of 5.9774 Acres at Sannidhanam was ordered for solid waste treatment (incinerator), queue complex, sewage treatment plant and bathrooms. The total extent of land covered by the aforesaid Government orders comes to 94.34 Acres, out of which 50 cents of land is in the possession of the Forest Department, in which the Forest Inspection Bungalow has been constructed.

15. In the order dated 11.04.2022 in DBP No.55 of 2018, this Court noticed that with respect to the extent of forest land ordered to be leased out to Travancore Devaswom Board vide G.O.(Ms.)No.19/65/Agri dated 11.01.1965, there cannot be any doubt, as it is discernible from that order itself. The said land is leased out to the Board for providing amenities to the pilgrims at Sannidhanam, subject to the terms and conditions specifically mentioned therein. The said terms and conditions are mentioned in the lease deed dated 12.09.1967 executed between the Board and the Governor of Kerala.

16. The land other than 13 Acres of traditional land of Sabarimala Temple is leased out to Travancore Devaswom Board



for providing amenities to the pilgrims at Sannidhanam, subject to the terms and conditions specifically mentioned therein. The said terms and conditions are mentioned in the lease deed dated 12.09.1967 executed between the Board and the Governor of Kerala. For providing amenities to the pilgrims, the Board constructed Pilgrim Centres at Sabarimala Sannidhanam, collecting donations from the devotees of Lord Ayyappa. In respect of each donor rooms, individual agreements have been entered into between Travancore Devaswom Board, represented by Devaswom Commissioner, and the respective donors, which enable the donors to avail free stay for five days in the respective donor rooms (2 days during Mandalam season, 2 days during Makaravilakku season and 1 day during Vishu festival). In addition to that, the donors can stay in their respective donor rooms for ten days in a year, on payment of the prescribed amount. For availing this facility, the respective donors will have to inform the 4th respondent Executive Officer, Sabarimala, either by e-mail or through post, two weeks' in advance, based on which the respective donor rooms will be allotted to them for occupation on those days. The occupation of the donors in their



respective donor rooms is only a permissive occupation and the key of the donor rooms shall be with the concerned Assistant Engineer in the Maramath Wing of the Board. For the remaining days, during Maasapoojas and Mandala-Makaravilakku festival seasons, the donor rooms will be allotted to the pilgrims, through the online booking facility provided by the Board.

17. In terms of the directions issued by this Court, Travancore Devaswom Board has already commenced Donor Verification Process, the details of which are provided in the Virtual-Q platform. In addition to that, individual communications have been issued to the respective donors, who are required to submit the donor verification form. Separate forms are prescribed for individual donors and for trusts/organizations. The donors are required to submit their details in the prescribed form, along with supporting documents, which includes ID proof, PAN Card, notarized copy of the licence agreement, etc.

18. The number of footfalls at Sabarimala Sannidhanam during Mandala-Makaravilakku festival season of 1199 ME (2023-24) was more than 1,00,000 per day, which had gone up to 1,15,000 per day, as per the records. There is acute shortage of



accommodation for pilgrims at Sabarimala Sannidhanam. Travancore Devaswom Board is not in a position to have further constructions at Sabarimala Sannidhanam, since the Temple is situated within Periyar Tiger Reserve. Moreover, as per the Master Plan for Sabarimala, which is being implemented under the supervision of the High Power Committee for Implementation of Sabarimala Master Plan, the number of concrete structures in Sabarimala has to be reduced. In such circumstances, the available accommodation at Sabarimala has to be utilized to the maximum extent, during Maasapoojas and Manadala-Makaravilakku festival seasons.

19. As already noticed hereinbefore, Sabarimala and its vicinity are declared as a Special Security Zone under Section 83(1) of the Kerala Police Act, 2011. The Donor Verification Process, in terms of the directions issued by this Court has already commenced, the details of which are provided in the Virtual-Q platform. In addition to that, individual communications have already been issued to the respective donors. Travancore Devaswom Board shall take necessary steps to ensure that the Donor Verification Process commenced by the 4th respondent



Executive Officer, Sabarimala is completed at the earliest, at any rate, at least one month before the commencement of the next Mandala-Makaravilakku festival season of 1200ME (2024-25). The Board shall issue an advisory in the Virtual-Q platform that all donors of donor rooms in the pilgrim centres at Sabarimala Sannidhanam have to complete Donor Verification Process for availing donor passes during the next Mandala-Makaravilakku festival season.

20. The individual agreements entered into between Travancore Devaswom Board and the respective donors enable the donors to avail free stay for five days in the respective donor rooms (2 days during Mandalam season, 2 days during Makaravilakku season and 1 day during Vishu festival). In addition to that, the donors can stay in their respective donor rooms for ten days in a year, on payment of the prescribed amount. The donor rooms in the name of individuals can be occupied by the donor himself or his family members, and the donor rooms in the name of trusts/organizations can be occupied by its trustees/office bearers/registered members, after verification of their ID proof. Their entry to Sabarimala shall be



through Virtual-Q platform. No donor shall transfer the donor passes issued by the 4th respondent Executive Officer, Sabarimala, to third parties.

21. It is brought to the notice of this Court by the learned Standing Counsel for Travancore Devaswom Board and the learned Senior Government Pleader that certain individuals/ organizations are offering accommodation in their donor rooms to the pilgrims, through WhatsApp groups, Facebook groups, etc., after collecting money from the pilgrims. We make it clear that such activities are legally impermissible at Sabarimala, which is a Special Security Zone. The Vigilance Wing of the Travancore Devaswom Board headed by the 5th respondent Chief Vigilance and Security Officer (Superintendent of Police) shall conduct periodical inspections in the Pilgrim Centres at Sabarimala Sannidhanam, in order to ensure that the donor passes issued by the 4th respondent Executive Officer, Sabarimala are not being misused by the respective donors, by collecting money from the pilgrims.

22. The learned counsel for the additional 8th respondent would submit that the said respondent has already removed the



box kept in room No.105 at Sahyadri Pilgrim Centre-2, on 08.09.2024. The learned Standing Counsel for Travancore Devaswom Board would submit that he is yet to receive instructions in this regard, from the 4th respondent Executive Officer, Sabarimala.

In the above circumstances, this SSCR is disposed of with the directions contained hereinbefore and by recording the submission made by the learned counsel for the additional 8th respondent that the box kept in room No.105 of Sahyadri Pilgrim Centre-2 has already been removed by that respondent on 08.09.2024. The additional 8th respondent shall complete Donor Verification Process in respect of room No.105 of Sahyadri Pilgrim Centre-2, within the time limit stipulated hereinbefore, for availing donor passes during the next Mandala-Makaravilakku festival season.

Sd/-
ANIL K. NARENDRAN, JUDGE

Sd/-
P.G. AJITHKUMAR, JUDGE

bkn/-