



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDHAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

FRIDAY, THE 1ST DAY OF AUGUST 2025 / 10TH SRAVANA, 1947

DBP NO. 27 OF 2025

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - REPORT 22/2025 IN COMPLAINT NO.24/2025 - ALLEGATIONS AGAINST THE OFFICE BEARERS OF THE TEMPLE ADVISORY COMMITTEE OF ASTHAMANGALAM SREE MAHA VISHNU - SREE BHAGAVATHY TEMPLE OF PUNALUR GROUP OF TRAVANCORE DEVASWOM BOARD - SUO MOTU PROCEEDINGS INITIATED - REG

PETITIONER/COMPLAINANTS:

- 1 PRIN PRASAD,S/O.RAJENDRAPRASAD, NARAYANA MANDIRAM, MANIYAR P.O., PUNALUR.
- 2 ADARSH A,S/O.AJAYAKUMAR, AKHIL BHAVAN, MANIYAR P.O., PUNALUR., [PRIN PRASAD & OTHERS ARE SUO MOTU CORRECTED AS ABOVE AS PER ORDER DATED 11/07/2025 IN DBP.NO.27/2025]

RESPONDENTS:

- 1 TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, KAWDIAR POST, NANTHANCODE, THIRUVANANTHAPURAM - 695003
- 2 DEVASWOM COMMISSIONER, TRAVANCORE DEVASWOM BOARD, NANTHENCODE, KAWDIAR POST, THIRUVANANTHAPURAM - 695003

SRI.S RAJMOHAN, SR. GP
SRI.G.SANTHOSH KUMAR, SC, TDB
SRI.P RAMACHANDRAN, AMICUS CURIAE

THIS DEVASWOM BOARD PETITION WAS FINALLY HEARD ON 11.07.2025, ALONG WITH WPC 12549 OF 2025, THE COURT ON 1.08.2025 PASSED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

FRIDAY, THE 1ST DAY OF AUGUST 2025 / 10TH SRAVANA, 1947

WP(C) NO. 12549 OF 2025

PETITIONER:

JIJENDRAN S. R, AGED 42 YEARS
S/O SIVARAJENDRAN D.S., SAILENDRA BHAVAN, ERAMTHU,
MANIYAR P.O., PUNALUR. KOLLAM, PIN - 691333

BY ADV SRI.K.R.ARUN KRISHNAN

RESPONDENTS:

- 1 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY THE SECRETARY, DEVASWOM HEAD QUARTERS,
NANTHANCODE, KOWDIAR P.O., THIRUVANANTHAPURAM, PIN -
695003
- 2 THE DEVASWOM COMMISSIONER
DEVASWOM COMMISSIONERATE, NANTHANCODE, KOWDIAR P.O.,
THIRUVANANTHAPURAM, PIN - 695001
- 3 THE DEPUTY DEVASWOM COMMISSIONER (P& SGRC)
DEVASWOM COMMISSIONERATE, NANTHANCODE, KOWDIAR P.O.,
THIRUVANANTHAPURAM, PIN - 695001
- 4 THE ASSISTANT DEVASWOM COMMISSIONER
OFFICE OF THE ASSISTANT DEVASWOM COMMISSIONER,
PUNALUR, KOLLAM, PIN - 691305
- 5 THE SUB GROUP OFFICER
ASHTAMANGALAM SUB GROUP, ASHTAMANGALAM DEVASWOM,
PUNALUR, KOLLAM, PIN - 691305



- 6 THE CHIEF VIGILANCE AND SECURITY OFFICER
THE TRAVANCORE DEVASWOM BOARD DEVASWOM HEAD QUARTERS,
NANTHANCODE, KOWDIAR P.O., THIRUVANANTHAPURAM, PIN -
695003
- 7 THE TEMPLE ADVISORY COMMITTEE
REPRESENTED BY ITS SECRETARY, ASHTAMANGALAM SREE
MAHAVISHNU-SREE BHAGAVATHY TEMPLE, MANIYAR P.O.,
PUNALUR, PIN - 691333
- 8 JYOTHINATH, S/O BHASKARAN PILLAI, NANDAVANAM,
THOLIKODE, MANIYAR P.O., PUNALUR, PIN - 691333
- 9 ARUNKUMAR, RUDRANIYIL, ERICHEEKAL, MANIYAR P.O.,
PUNALUR, PIN - 691333
- 10 VINOD M.R, S/O RAJAN, NARAYANA NIVAS, MANIYAR P.O.,
PUNALUR, PIN - 691333
- 11 ANANTHAKUMAR, S/O SOMANATHAN PILLAI, ASHTAMANGALAM,
MANIYAR P.O., PUNALUR, PIN - 691333
- 12 PRABHA K, W/O MANIKUTTAN, VISHNUBHAVAN, ASHTAMANGALAM,
MANIYAR P.O., PUNALUR, PIN - 691333
- 13 PREMCHAND, S/O PRAKSH KUMAR, MOHANAVILASAM,
ERICHEEKAL, MANIYAR P.O., PUNALUR, PIN - 691333
- 14 PRIN PRASAD, AGED 45 YEARS
S/O RAJENDRAPRASAD, NARAYANAMANDIRAM, MANIYAR P.O.,
PUNALUR, KOLLAM, PIN - 691333
- 15 ADARSH A, S/O AJAYAKUMAR, ABHIL BHAVAN, MANIYAR P.O.,
PUNALUR, KOLLAM, PIN - 691333
- 16 V. RAJEEV, S/O VISWAMBHARAN RAJESH VILASAM,
ERICHIKKAL, MANIYAR P.O., PUNALUR, KOLLAM, PIN -
691333
- 17 PADMAKUMAR, S/O THULASEEDHARAN ACHARI, VILAYIL
MELETHIL, MANIYAR P.O., PUNALUR, KOLLAM, PIN - 691333
- 18 VIPIN V, S/O VENUGOPAL, VIPIN NIVAS, MANIYAR P.O.,
PUNALUR, KOLLAM, PIN - 691333



- 19 BINU M, S/O MADHAVAN NAIR, BINDHU BHAVAN, ERICHIKKAL,
MANIYAR P.O., PUNALUR, KOLLAM, PIN - 691333
- 20 RAJNEESH KUMAR M, S/O MOHANAN PILLAI, THADATHIL
MELETHIL VEEDU, MANIYAR P.O., PUNALUR, KOLLAM, PIN -
691333
- 21 UNNIKRISHNAN NAMBOOTHIRI, THE SUB GROUP OFFICER,
ASHTAMANGALAM SUB GROUP, ASHTAMANGALAM DEVASWOM,
PUNALUR, KOLLAM, PIN - 691305
- 22 THE STATE OF KERALA
REPRESENTED BY THE SPECIAL SECRETARY, REVENUE
(DEVASWOM) DEPARTMENT, 1ST FLOOR, ANNEX-II, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM -695001
- 23 SENIOR DEPUTY DIRECTOR
TRAVANCORE DEVASWOM AUDIT, KERALA STATE AUDIT
DEPARTMENT DEVASWOM HEAD QUARTERS, NANTHANCODE,
KOWDIAR P.O., THIRUVANANTHAPURAM -695003. [ADDL R22
&R23 ARE IMPEADED AS PER THE ORDER DATED 03/04/2025
IN I.A.NO.1/2025 IN WP (C) 12549/2025]

BY ADVS.
SRI.G.SANTHOSH KUMAR (P) .
SRI.H.VISHNUDAS
SRI.K.SUDHINKUMAR
SRI.S RAJMOHAN, SR.GP

THIS WRIT PETITION (CIVIL) WAS FINALLY HEARD ON 11.07.2025
ALONG WITH DBP NO.27 OF 2025, THE COURT ON 1.8.2025 PASSED THE
FOLLOWING:

**ORDER/JUDGMENT**

Muralee Krishna, J.

W.P.(C) No.12549 of 2025 is filed by a devotee of Ashtamangalam Sree Mahavishnu-Sree Bhagavathy Temple under the management of Travancore Devaswom Board, under Article 226 of the Constitution of India, seeking the following reliefs:

- “(i) to issue a Writ of Certiorari or such other appropriate writ, order or direction quashing Ext. P8 Order No.R.O.C 4033/23/NS2 dated 10.01.2025 issued by the 3rd respondent on behalf of the 2nd respondent as it is arbitrary, illegal and unjust;
- (ii) to issue a writ of Mandamus or such other appropriate writ, order or direction to the 2nd respondent to consider Ext.P5 request made by the petitioner and others dated 06.01.2025 as expeditiously as possible within a time period that may be fixed by this Hon’ble Court;
- (iii) to issue a writ of Mandamus or such other appropriate writ, order or direction to the 7th respondent to consider Ext. P6 complaint filed by the petitioner and to take necessary action on the same as expeditiously as possible within a time period that may be fixed by this Hon’ble Court;
- (iv) to issue a writ of Mandamus or such other appropriate writ, order or direction to the 2nd respondent to dissolve the 7th respondent Temple advisory committee and to take steps to elect a new advisory committee to the



Ashtamangalam Sree Mahavishnu-Sree Bhagavathy Temple.”

2. Going by the averments in the writ petition, the Petitioner is a devotee of the Ashtamangalam Sree Mahavishnu-Sree Bhagavathy Temple under the Ashtamangalam Sub Group in Punalur Group of the Travancore Devaswom Board. He is an ardent devotee and participant in the day-to-day rituals in the temple. The 7th respondent Temple Advisory Committee came into existence in February 2023, and its term expired on 25.02.2025. The petitioner and other devotees have objected the activities of the committee, where they have flouted the Bye-Law published by the 1st respondent Devaswom Board. There are allegations of financial mismanagement and violation of the rituals by the members of the Committee. Owing to dissent among the members of the committee, respondents 13 to 19 resigned from the committee as members and issued Ext. P2 Resignation Letter dated 13.11.2024 to the 2nd respondent. In the Devaprasnom conducted in the year 2024, it was found that there are some defects in the Kodimaram. The Committee, without any discussions in the General body and in their own interest, removed



the base of the Kodimaram. The petitioners and others have filed complaints against the affairs of the committee as seen in Ext. P5 and Ext. P6. The 3rd respondent, on behalf of the 2nd respondent, without considering any of these aspects, extended the term of the committee for a further period of six months by Ext. P8 order. The same is against the Bye Law of the Board and the Law laid down by this Court in **Chandu K. v. Travancore Devaswom Board [2021 (3) KHC 379]** and in **DBP No. 17 of 2025 [2025:KER:20024]**. Hence, the petitioner filed the Writ Petition.

3. On 27.03.2025, when the writ petition came up for consideration, this Court directed the petitioner to file an application to implead the State of Kerala represented by the Special Secretary to Government, Revenue (Devaswom) Department and also the Senior Deputy Director, Kerala State Audit Department, Travancore Devaswom Board Audit as additional respondents in the writ petition. The learned Standing Counsel for the Travancore Devaswom Board took notice for respondents 1 to 6. Urgent notice on admission by special messenger was ordered to respondents 7 to 21, returnable by



03.04.2025. The learned Standing Counsel was directed to get instructions.

4. On 03.04.2025, additional respondents 22 and 23 were impleaded in the writ petition as per the order in I.A. No.1 of 2025 filed by the petitioner. Respondents 7 to 13, 14 to 17 and 18 to 20 entered appearance through respective counsel. The learned Senior Government Pleader entered appearance for additional respondents 22 and 23. The learned Standing Counsel for the Travancore Devaswom Board and the learned counsel for the party respondents sought time to file counter affidavit.

5. Respondents 1 to 6 filed a counter affidavit dated 08.04.2025, producing therewith Exts.R1(a) to R1(i) documents and opposing the reliefs sought in the writ petition.

6. Respondents 7 to 13 and 18 to 20 filed a counter affidavit dated 09.04.2025 opposing the reliefs sought in the writ petition and producing therewith Exts R7(a) to R7 (k) documents.

7. Respondents 14 to 17 also filed a counter affidavit dated 01.07.2025, opposing the reliefs sought in the writ petition and producing therewith Exts.R14 (a) to R14 (e) documents.



8. DBP No.27 of 2025 is registered suo motu based on the Report No.22 of 2025 filed by the learned Ombudsman for the Travancore and Cochin Devaswom Boards in complaint No.24 of 2025 filed by the respondents 14 and 15 in W.P.(C)No.12549 of 2025. The grievance of the petitioners in the complaint filed before the learned Ombudsman is also the same as that raised by the writ petitioner in W.P.(C)No.12549 of 2025. Therefore, we are inclined to consider the contentions of the parties in W.P.(C)No.12549 of 2025 and the DBP in this common judgment/order.

9. Heard the learned counsel for the petitioner in W.P.(C)No. 12549 of 2025, the learned Standing Counsel for the Travancore Devaswom Board, the learned counsel for respondents 7 to 14/ complainants in DBP No.27 of 2025, the learned counsel for the 7th respondent in the writ petition/Temple Advisory Committee and the learned Senior Government Pleader.

10. 'Deva' means God and 'swom' means ownership in Sanskrit and the term 'Devaswom' denotes the property of God in common parlance. [see: **Prayar Gopalakrishnan and another**

**v. State of Kerala and others - 2018 (1) KHC 536].**

11. 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 S.3 of the Act, the administration of incorporated and unincorporated Devaswoms shall vest in the Travancore Devaswom Board. As per S.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 S.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.

12. S.31A of the Act deals with the formation of the Temple Advisory Committees. As per sub-section (1) of S.31A of the Act, a Committee for each temple in the name 'Temple Advisory Committee' (name of the temple) may be constituted in order to ensure the participation of Hindu devotees. As per sub-section (2) of S.31A, the Temple Advisory Committee constituted under sub-section (1) may be approved by the Board. As per sub-section (3) of S.31A, the composition of an Advisory Committee under sub-section (1) shall be in such manner as may be prescribed by the rules made by the Board, not inconsistent with any practice prevailing, if any. In terms of sub-section (3) of S.31A of the Act, the Travancore Devaswom Board framed the Rules for the formation of Temple Advisory Committees in the temples under the management of the Board, which has been approved by this Court *vide* order dated 03.11.2011. in DBA No. 153 of 2009.

13. In exercise of the powers under sub-section (3) of S.31A



of the Act, the Travancore Devaswom Board framed Rules (bye-laws) for the formation of Temple Advisory Committees in temples under its management, which was approved by this Court in the order dated 03.11.2011 in DBA No.153 of 2009.

14. Clause (2) of the Rules, which deals with objectives of the Temple Advisory Committees, read thus;

"2. ഉദ്ദേശ്യ ലക്ഷ്യങ്ങൾ

ക്ഷേത്രത്തിന്റേയും, വിശ്വാസികളുടെയും പുരോഗതിക്കുവേണ്ടി പ്രവർത്തിക്കുക, ക്ഷേത്രാചാരങ്ങളും പുജാക്രമങ്ങളും ശാസ്ത്ര വിധിപ്രകാരം നടത്തുന്നതിന് സഹായകരമായ നിലപാടുകൾ സ്വീകരിക്കുക. ക്ഷേത്രത്തിന്റെ പ്രശസ്തിക്കും അഭിവൃദ്ധിക്കും, പുരോഗതിക്കും വേണ്ടി പദ്ധതികൾ ആവിഷ്കരിക്കുകയും ബോർഡിൽ സമർപ്പിക്കുകയും ബോർഡിന്റെ അനുവാദത്തോടുകൂടി പ്രായോഗികമാക്കുകയും ചെയ്യുക. ക്ഷേത്ര ഉത്സവം, ചിറപ്പ്, ആട്ടവിശേഷം, മാസവിശേഷം മുതലായ വിശേഷാൽ അടിയന്തിരങ്ങൾ ഡിപ്പാർട്ടുമെന്റ് ഉദ്യോഗസ്ഥരുടെ അനുമതി വാങ്ങി ഭംഗിയായും ചിട്ടയായും നടത്തുക, ക്ഷേത്ര ദർശനത്തിനെത്തുന്ന ഭക്ത ജനങ്ങൾക്ക് വേണ്ട സൗകര്യങ്ങൾ ഒരുക്കുന്നതിന് ക്ഷേത്ര അധികാരികളെ സഹായിക്കുക, മനുഷ്യനന്മയ്ക്ക് ഉതകുന്നതരത്തിൽ സന്നാതനധർമ്മങ്ങൾ പ്രചരിപ്പിക്കുക. ധ്യാനയോഗങ്ങൾ, നാമജപം, വിശേഷാൽ പുജകൾ, ഭക്തിപ്രഭാഷണങ്ങൾ തുടങ്ങിയവ ഡിപ്പാർട്ടുമെന്റ് അനുമതിയോടെ സംഘടിപ്പിക്കുക, ഭക്തജനങ്ങൾക്ക് അന്നദാനം തുടങ്ങിയ സേവനം നടത്തുകയും അതിന് പ്രചോദനം നൽകുകയും ചെയ്യുക, ക്ഷേത്രവും പരിസരവും ശുചിയായി സൂക്ഷിക്കുന്നതിന് വേണ്ട നടപടികൾ സ്വീകരിക്കുക, മഹാത്മാരായ ക്ഷേത്രവിശ്വാസികളേയും ക്ഷേത്രകലാകാരന്മാരെയും ആദരിക്കുക, ക്ഷേത്രസംബന്ധമായ പ്രവർത്തനങ്ങളും, ഉത്സവാദി അടിയന്തിരങ്ങളും സുഗമമാക്കുന്നതിന് ഡിപ്പാർട്ടുമെന്റ് അനുമതിയോടെ മാത്രം സംഭാവനകൾ,



ഇഷ്ടദാനം എന്നിവ ഭക്തജനങ്ങളിൽ നിന്നും സമാഹരിക്കുക."

(underline supplied)

15. As per Clause (2) of the Rules, one of the objectives of the Temple Advisory Committee is to formulate schemes for the betterment and development of the Temple, submit the same before the Board and execute it with the approval of the Board. The Advisory Committee shall collect contributions or donations from the devotees for the smooth functioning of the temple activities and festivals only with the permission of the Department.

16. Clause (9) of the Rules deals with office bearers and their duties. Clause (9.1) deals with President, Clause (9.2) deals with Vice President, Clause (9.3.) deals with Secretary and Clause (9.4) deals with Treasurer. Clause (9) of the Rules reads thus;

“9. ഭാരവാഹികളും, ചുമതലയും

9.1. പ്രസിഡന്റ്

ഉപദേശകസമിതിയുടെ യോഗങ്ങളിൽ അദ്ധ്യക്ഷം വഹിക്കുക, യോഗനടപടികൾ രേഖപ്പെടുത്തിയ മിനിട്ടിൽ ഒപ്പ് വച്ച് അംഗീകാരം നൽകുക, സമിതിയുടെ പേരിൽ പ്രസിഡന്റും ട്രഷററും കൂട്ടായി ഏതെങ്കിലും ഒരു ദേശസാൽകൃത/ഷെഡ്യൂൾഡ് ബാങ്കിൽ അക്കൗണ്ട് തുറക്കുക, ദേവസ്വം ബോർഡിന്റെ നിർദ്ദേശങ്ങൾ അനുസരിച്ച് സമിതി പ്രവർത്തിക്കുന്നു എന്ന് ഉറപ്പുവരുത്തുക, സമിതിയുടെ നേതൃത്വത്തിലുള്ള പണപ്പിരിവ് സംബന്ധിച്ച മേൽനോട്ടം വഹിക്കുക, ബോർഡ് അംഗീകരിക്കുന്ന കാര്യങ്ങൾക്കു മാത്രം നിയമാനുസൃതം ഫണ്ട് ചെലവാക്കുന്നുവെന്ന് ഉറപ്പുവരുത്തുക, പണപ്പിരിവ് കഴിഞ്ഞാലുടൻ തുക നിയമാനുസൃതം ജോയിന്റ് അക്കൗണ്ടിൽ നിക്ഷേപിക്കുന്നുവെന്ന് ഉറപ്പുവരുത്തുക, ക്ഷേത്രമനമന്ത്രിനു ഭക്തജന



സൗകര്യാർഥം പദ്ധതികൾ ആവിഷ്കരിച്ച് ബോർഡിന്റെ അനുമതിയോടെ നടപ്പാക്കുക. എല്ലാം അംഗങ്ങളുടെയും വിശ്വാസവും സഹകരണവും കൂട്ടായ്മയും ഉറപ്പാക്കി അച്ചടക്കത്തോടെ ഉപദേശകസമിതി പ്രവർത്തിക്കുന്നുവെന്ന് ഉറപ്പുവരുത്തുക.

9.2. വൈസ് പ്രസിഡന്റ്

യോഗങ്ങൾ കൂടുമ്പോൾ പ്രസിഡന്റിന്റെ അഭാവത്തിൽ യോഗത്തിന് അദ്ധ്യക്ഷം വഹിക്കുക, യോഗ നടപടികൾ നിയന്ത്രിക്കുക, യോഗത്തിന്റെ മിനിഷ്ട് ഒപ്പ് വച്ച് അംഗീകരിക്കുക. ഉപദേശകസമിതി പ്രവർത്തനങ്ങളിൽ പ്രസിഡന്റിനെ സഹായിക്കുക.

9.3. സെക്രട്ടറി

ക്ഷേത്ര ഉപദേശകസമിതിയുടെ ദൈനംദിന പ്രവർത്തനങ്ങൾ നടത്തുക, വരവുകൾക്ക് രസീത് കൊടുക്കുക, സമിതിയുടെ അംഗീകാരത്തിന് വിധേയമായി ചിലവുകൾ ചെയ്യുക, ചിലവുകൾക്ക് വൗച്ചറുകൾ എഴുതി സൂക്ഷിക്കുക, വരവ് ചിലവ് കണക്കുകൾ എഴുതി സൂക്ഷിക്കുക, സമിതിയുടെ പേരിലുള്ള ബാങ്ക് അക്കൗണ്ട്, ചെക്കുബുക്ക്, മറ്റ് റിക്കാർഡുകൾ മുതലായവ സൂക്ഷിക്കുക. യോഗതീരുമാനങ്ങൾ മിനിഷ്ടിൽ രേഖപ്പെടുത്തി പ്രസിഡന്റിന്റെ കൈയൊപ്പ് വാങ്ങി സൂക്ഷിക്കുക. സമിതിയുടെ അംഗീകാരത്തോടെ രേഖകൾ, നിർദ്ദേശങ്ങൾ, അറിയിപ്പുകൾ, അപേക്ഷകൾ എന്നിവ ദേവസ്വം അധികൃതർ മുമ്പാകെ സമർപ്പിക്കുക. സാമ്പത്തിക സമാഹരണവും മറ്റും നടത്തുന്നതിന് ഡിപ്പാർട്ടുമെന്റിന്റെ അനുമതി വാങ്ങിച്ച് ആവശ്യമായ കപ്പൺ തയ്യാറാക്കി അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണറുടെ സീൽവച്ച് സൂക്ഷിക്കുകയും അത് നിയമാനുസൃതം ഉപയോഗിക്കുന്നു എന്ന് ഉറപ്പുവരുത്തുകയും ചെയ്യുക. പണപ്പിരിവുകളുടെയും വരവുചെലവുകളുടെയും വാർഷിക കണക്കുകൾ ആഡിറ്റ് നടത്തി എല്ലാ വർഷവും ഏപ്രിൽ മാസം 30-ാം തീയതിയ്ക്ക് മുമ്പായി ബോർഡ് അധികൃതരുടെ മുമ്പാകെ ഹാജരാക്കുക, സമിതിയുടെ റിക്കാർഡുകൾ സൂക്ഷിക്കുക, സമിതി നിർദ്ദേശിക്കുന്നതും, ദേവസ്വം ബോർഡ് നിശ്ചയിക്കുന്നതുമായ യോഗങ്ങളിൽ സമിതിയെ പ്രതിനിധീകരിക്കുക, പ്രസിഡന്റിന്റെ നിർദ്ദേശാനുസരണം സമിതി യോഗങ്ങൾ വിളിച്ച് കൂടുക.

9.4. ട്രഷറർ

സമിതിയുടെ പേരിൽ ജോയിന്റ് അക്കൗണ്ട് തുടങ്ങുക, നിശ്ചിത ആവശ്യങ്ങൾക്കായി സമാഹരിക്കുന്ന പണം അപ്പപ്പോൾ ബാങ്ക് അക്കൗണ്ടിൽ നിക്ഷേപിക്കുന്നുവെന്ന് ഉറപ്പുവരുത്തുക. വരവുചെലവുകൾക്ക് വൗച്ചറുകൾ സൂക്ഷിക്കുന്നുവെന്നും, കണക്കുകൾ കൃത്യമായി രേഖപ്പെടുത്തി വയ്ക്കുന്നുവെന്നും ഉപയോഗിച്ച രസീതുകളുടെ കൗണ്ടർ ഫോയിലുകളും ഉപയോഗിക്കാത്ത രസീതുകളും പ്രത്യേകം സൂക്ഷിക്കുന്നുവെന്നും ഉറപ്പുവരുത്തുക. ഉപദേശകസമിതിയുടെ അംഗീകാരത്തോടുകൂടിയും പ്രസിഡന്റ്, സെക്രട്ടറി എന്നിവരുടെ അറിവോട് കൂടിയുമാണ് വരവ് ചെലവുകൾ നടത്തുന്നതെന്ന് ഉറപ്പു വരുത്തുക, അടിയന്തിരഘട്ടങ്ങളിൽ ഉപയോഗിക്കുന്നതിന് സമിതിയുടെ തീരുമാനത്തിന് വിധേയമായി ആയിരം രൂപയിൽ കവിയാത്ത തുക കൈവശം



വയ്ക്കുക.

(underline supplied)

17. As per Clause (9) of the Rules, one of the duties of the President, as provided in Clause (9.1), is to formulate projects for the betterment of the temple and for the convenience of the devotees and implement the same with the approval of the Board. The President has to supervise the collection of funds at the initiative of the Advisory Committee and he has to ensure that the functioning of the Committee is in accordance with the directions issued by the Travancore Devaswom Board. As per Clause (9.3), the Secretary of the Committee has to get the approval of the Department for the collection of funds. He has to print coupons and keep them in safe custody after obtaining the seal of the Assistant Commissioner. He has to ensure that such coupons are used only as per the permission granted by the Board. The Secretary has to cause the accounts relating to the collection of funds, income and expenditure audited which shall be produced before the authorities in the Board before 30th April of every year. As per Clause (9.4) of the Rules, the Treasurer has to ensure that proper accounts are maintained for the income and expenditure



and that the income and expenditure of the Advisory Committee is with the approval of the Committee and with the knowledge of the President and the Secretary.

18. Clause (18) of the Rules, which deals with prohibitions, reads thus;

“18.നിരോധനം

ക്ഷേത്ര ഉപദേശകസമിതിയോ, അംഗങ്ങളോ ക്ഷേത്ര സന്ദർശകരിൽ നിന്നും ക്ഷേത്രത്തിനുള്ളിൽ വച്ച് യാതൊരു പണപിരിവുകളും നടത്താൻ പാടില്ല. ക്ഷേത്രോപദേശകസമിതിയുടെ ചുമതലയിൽ ക്ഷേത്രത്തിനുള്ളിൽ നടക്കുന്ന ചടങ്ങുകളുടെ വേദികളിൽ പണം സമാഹരിക്കുന്നതിന് ക്ലാണിക്കവഞ്ചികളോ, പാത്രങ്ങളോ വെയ്ക്കാൻ പാടില്ലാത്തതാണ്. ക്ഷേത്രവികസന കാര്യങ്ങൾക്ക് വേണ്ടി ഡിപ്പാർട്ടുമെന്ററെ അനുവാദത്തോടുകൂടി കുപ്പണുകൾ അച്ചടിക്കുമ്പോൾ നിശ്ചിതതുക രേഖപ്പെടുത്തിയ കുപ്പണുകൾ മാത്രമേ അച്ചടിക്കാൻ പാടുള്ളൂ. അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണറുടെ മുദ്ര പതിപ്പിക്കാത്ത രസീതുകൾ യാതൊരു കാരണവശാലും പണപ്പിരിവിന് ഉപയോഗിക്കാൻ പാടില്ല. ഇതിന് വിരുദ്ധമായ പ്രവർത്തനങ്ങൾ ശ്രദ്ധയിൽപ്പെട്ടാൽ സാമ്പത്തിക ക്രമക്കേടായി പരിഗണിച്ച് നിലവിലുള്ള നിയമങ്ങൾ അനുസരിച്ച് കർശന നടപടികൾ സ്വീകരിക്കാനുള്ള അധികാരം ബോർഡിന് ഉണ്ടായിരിക്കുന്നതാണ്. ഉപദേശകസമിതിയിലെ ഭാരവാഹിത്വത്തിലും അംഗത്വത്തിലും ഉൾപ്പെടുന്ന ഒരു വ്യക്തിക്ക് തുടർച്ചയായി രണ്ടു കമ്മിറ്റിയുടെ കാലാവധിയിൽ കൂടുതൽ സമിതിയിൽ തുടരാൻ അർഹത ഉണ്ടായിരിക്കുന്നതല്ല. തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റെ ഭരണാധികാരത്തെയും നിയന്ത്രണാധികാരത്തെയും സമിതിക്കോ, സമിതിയിലെ അംഗങ്ങൾക്കോ ചോദ്യം ചെയ്യാൻ യാതൊരു അവകാശവും ഉണ്ടായിരിക്കുന്നതല്ല. ദേവസ്വം ബോർഡിന്റെ ഭരണത്തിലുള്ള ക്ഷേത്രത്തിലെ ഉപദേശകസമിതിയിൽ അംഗമായിട്ടുള്ള ഒരാൾക്ക് അതേകാലയളവിൽ ബോർഡ് ഭരണത്തിലുള്ള മറ്റ് ക്ഷേത്രങ്ങളിലേയോ ഏതെങ്കിലും സ്വകാര്യ ക്ഷേത്രങ്ങളിലേയോ ഉപദേശകസമിതിയിലോ മറ്റു ഭരണസമിതിയിലോ അംഗമായിരിക്കാൻ അർഹത ഉണ്ടായിരിക്കുന്നതല്ല.”

(underline supplied)

19. Clause (18) of the Rules prohibits the Temple Advisory Committee from collecting funds in connection with any



ceremonies in the temple by placing 'kanikkavanchi' or 'hundies'.

When coupons are printed for development activities in the temple, with the approval of the Department, only coupons for the specified amount shall be printed. No receipts without the seal of the Assistant Commissioner shall be used for collecting funds.

20. In **Sunil Kumar C. and others v. Travancore Devaswom Board and others [2022 (4) KHC 663]** a Division Bench of this Court in which one among us (Anil K. Narendran, J.) was a party noticed that the provisions under Clause (18) of the Rules for the formation of Temple Advisory Committees in temples under the management of the Travancore Devaswom Board provide sufficient safeguards to prevent any illegal collection of funds by the Temple Advisory Committee for development activities in a temple.

21. In **M.V. Ramasubbiar v. Manicka Narasimhachari [(1979) 2 SCC 65]**, in the context of Sections 49, 51 and 52 of the Trusts Act, 1882, the Apex Court explained the nature of the fiduciary position of the trustee and his duties and obligations. It is the duty of the trustees of the property to be faithful to the Trust



and execute any document with reasonable diligence in the manner of an ordinary prudent man of business would conduct his own affairs. A trustee could not, therefore, occasion any loss to the Trust and it is his duty to sell the property if at all that was necessary, to the best advantage. Paragraph 4 of that decision reads thus;

"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."

(underline supplied)

22. In **A.A. Gopalakrishnan v. Cochin Devaswom Board [(2007) 7 SCC 482]** a Three-Judge Bench of the Apex Court held that 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 'fence 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. In **Travancore Devaswom Board v. Mohanan Nair [(2013) 3 KLT 132]** a Division Bench of this Court noticed that in **A.A. Gopalakrishnan [(2007) 7 SCC 482]** a Three-Judge Bench of the Apex Court emphasised that it is the duty of the courts to protect and safeguard the interest and properties of the religious and charitable institutions. The Division Bench further noticed that the relevant principles under the Hindu law will show that the deity is always treated similar to that of a minor and there are some points of similarity between a minor and a Hindu idol. The High Court is the guardian of the deity and apart from the revisional jurisdiction under Section 103 of the Kerala Land Reforms Act, 1963, the High Court has inherent jurisdiction and the doctrine of *parens patriae* will also apply in exercising the jurisdiction.

24. During the course of arguments, the learned counsel for the petitioner in W.P.(C)No.12549 of 2025 invited our attention to Ext.P6, a true copy of the complaint dated nil submitted by the petitioner before the Travancore Devaswom Board Vigilance



Department and the Annexures therein and submitted that the 7th respondent Temple Advisory Committee is maintaining the account in the name of Punalur Rural Cooperative Society and collecting the fund in that name.

25. The term of the present Temple Advisory Committee of Ashtamangalam Sree Mahavishnu-Sree Bhagavathy Temple expired on 21.02.2025. By Ext.P8 order dated 10.01.2025 of the Assistant Devaswom Commissioner, the period was extended from 21.02.2025 to 20.07.2025. It is for the purpose of completing the work of the flag mast of the Temple, the term of the present Temple Advisory Committee was extended.

26. The respondents 14 and 15 in their counter affidavit stated that against Ext.P8 order, they had filed W.P(C) No.4623 of 2025 before this court. However, when that writ petition came up for consideration, it was submitted before this court that respondents 18 to 20 withdrew their resignation. Under that circumstance, respondents 14 and 15 withdrew that writ petition with liberty to file a fresh writ petition. Subsequently, they approached the learned Ombudsman with the instant complaint.



27. According to the petitioner in W.P.(C) No.12549 of 2025, the base of the flagmast was removed by the Temple Advisory Committee on 17.10.2024, without any announcement to the devotees and ignoring the earlier advice of the Thantri. As per the pleadings in paragraph 13 of the writ petition, respondents 13 to 19, who were members of the Temple Advisory Committee, resigned from the committee by Ext.P2 resignation letter dated 13.11.2024. It is further alleged in the writ petition that the present Temple Advisory Committee and the 5th respondent have joined hands and are working together against the interest of the temple. On 26.12.2024, when the devotees came to the temple for vilakku pooja in the chuttambalam, the 2nd respondent and the present melsanthi of the temple, after receiving the charges for the pooja and giving a receipt, refused to conduct the pooja in the chuttambalam and directed the devotees to conduct the same in the auditorium. The 5th respondent had misbehaved with the devotees in arrogance. The petitioner, along with other devotees, filed Ext.P5 complaint dated 06.01.2025 before the 4th respondent Assistant Devaswom Commissioner, regarding these aspects.



However, no action was taken on that complaint. It is during the pendency of Ext.P5 complaint, filed before the Assistant Devaswom Commissioner the period of the present Temple Advisory Committee was extended by virtue of Ext.P8 order. To a query made by this Court, the learned Standing Counsel for the Travancore Devaswom Board submitted that a vigilance inquiry is going on against the Temple Advisory Committee.

28. From Ext.R1(a) opinion of the Thantri dated 30.07.2024, we notice that the opinion of the Tantri is to repair the existing flag mast. According to the petitioner, it was before getting the opinion of the Thantri, the decision was taken by the Board to repair the flag mast, to create a ground for extension of the period of the present Temple Advisory Committee. However, Ext.R1(i) decision would show that the Board has withdrawn the previous order dated 02.09.2024 and passed a fresh order on 18.01.2025 to change the existing flag mast.

29. Having considered the pleadings and materials on record, and the submissions made at the Bar, we notice that the extension of the period of the present Temple Advisory Committee



by Ext.P8 order by the 1st respondent Travancore Devaswom Board, from 21.02.2025 to 20.07.2025 is without considering the complaints against the Temple Advisory Committee and the resignation of some of the members of the committee, though few of them later withdrew the resignation. Whether a resignation, which once accepted, can be later withdrawn by a member of the Temple Advisory Committee is also a question of debate. The learned Senior Government Pleader at this juncture invited our attention to paragraph 5 of Ext.P5 complaint filed by the devotees, including the petitioner, wherein allegations are raised against the 21st respondent regarding misappropriation of a gold chain submitted by a devotee. The complaints against the Temple Advisory Committee, if found correct, are serious in nature.

In such circumstances, the writ petition and DBP are disposed of, directing the 4th respondent Assistant Devaswom Commissioner to transmit Ext.P5 complaint dated 06.01.2025 to the vigilance wing of Travancore Devaswom Board within a period of one week from the date of receipt of a copy of the Judgment/Order and the Vigilance wing of the Travancore



Devaswom Board to complete the inquiry initiated against the Temple Advisory Committee of Ashtamangalam Sree Mahavishnu -Sree Bhagavathy Temple as expeditiously as possible, at any rate, within a period of three months from the date of receipt of a copy of this judgment; and in that inquiry, the allegation raised in Ext.P5 complaint shall also be taken into consideration. On completion of the inquiry, the Vigilance Department shall submit the report before the 2nd respondent Devaswom Commissioner, who shall take appropriate action in the matter in accordance with law. Till finalisation of the said proceedings, the administration of the temple shall be done directly by the Devaswom Board by dissolving the present Temple Advisory Committee, expeditiously, at any rate, within a period of one week from the date of receipt of a copy of this judgment.

Sd/-

ANIL K.NARENDHAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

sks



APPENDIX OF DBP NO.27 OF 2025

PETITIONERS ANNEXURES

ANNEXURE - O1 - COPY OF COMPLAINT

ANNEXURE -O2 - REPORT OF THE DEVASWOM COMMISSIONER DATED
26.3.2025

APPENDIX OF WP(C) 12549/2025

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE PHOTOS OF THE KODIMARAM OF THE TEMPLE
Exhibit P2	TRUE COPY OF THE RESIGNATION LETTER DATED 13.11.2024
Exhibit P3	TRUE COPY OF THE COMPLAINT FILED BY SANTHAKUMARI BEFORE THE 2 ND RESPONDENT DATED 11.11.2001
Exhibit P4	TRUE COPY OF THE COMPLAINT DATED 21.01.2002 ALONG WITH TYPED COPY
Exhibit P5	TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER AND OTHER DEVOTEES BEFORE THE 4TH RESPONDENT DATED 06.01.2025
Exhibit P6	TRUE COPY OF THE COMPLAINT DATED NIL ALONG WITH THE TRANSACTION DETAILS
Exhibit P7	TRUE COPY OF THE PHOTO SHOWING THE ACCOUNT DETAILS PUBLISHED IN THE TEMPLE PREMISES
Exhibit P8	TRUE COPY OF THE PROCEEDINGS NO. R.O.C 4033/23/NS2 DATED 10.01.2025 ISSUED BY THE 3RD RESPONDENT ON BEHALF OF THE 2ND RESPONDENT
Exhibit P9	TRUE COPY OF THE BYE- LAW OF THE TEMPLE ADVISORY COMMITTEE ISSUED BY THE 1st RESPONDENT DATED 30.11.2011

RESPONDENT EXHIBITS

Exhibit-R1 (e)	True copy of the report dated 23.11.2024 of the Assistant Devaswom Commissioner, Punalur.
Exhibit-R1 (a)	True copy of the Letter of the Thanthri dated 30.07.2024.
Exhibit-R1 (b)	True copy of the Board order dated 02.09.2024.
Exhibit-R1 (c)	True copy of the Letter dated 05.10.2024 of the thanthri.
Exhibit-R1 (d)	True copy of the Letter dated 02.11.2024 of the sthpathi.
Exhibit-R1 (f)	The report dated 04.01.2025 of the Assistant Engineer to the 4th respondent to the Assistant Devaswom Commissioner, Punalur.



Exhibit-R1 (g)	True Copy of the Report dated 04.01.2025 submitted by the Assistant Devaswom Commissioner, Punalur to the 2nd respondent.
Exhibit-R1 (h)	True copy of the Report dated 25/01/2025 submitted by the 4th respondent.
Exhibit-R1 (i)	True copy of the Board Order dated 18/01/2025.
EXHIBIT R-7 (a)	A True copy of the Letter issued by the Thantri forwarded to the 4th Respondent dated 30-07-2024
EXHIBIT R-7 (b)	A True copy of the Order No.ROC.10556/24/M issued by the Devaswom Secretary dated 2-09-2024
EXHIBIT R-7 (d)	A True Copy of the Order No.ROC.10566/24/M dated 18-01-2025 issued by Secretary
EXHIBIT R-7 (e)	A True Copy of the Letter by Sri.Vipin.V dated 17-11-2024 submitted before the 4rth respondent
EXHIBIT R-7 (f)	A True Copy of the Letter by Sri.Binu.M dated 17-11-2024
EXHIBIT R-7 (g)	A True Copy of the Letter by Sri.Rajneesh Kumar.M dated 17-11-2024
EXHIBIT R-7 (h)	A True Copy of the relevant page of the minutes of the General Body convened on 30-12-2024
EXHIBIT R-7 (i)	A True Copy of the relevant page of the minutes of the General Body convened on 30-12-2024
EXHIBIT R-7 (j)	A True Copy of the relevant page of the Manorma Newspaper Daily dated 22-03-2025
EXHIBIT R-7 (k)	A True Copy of the Photograph showing rituals of new teak wood for kodimaram installation dated nil
EXHIBIT R-7 (c)	A true copy of the Letter issued by Thantri forwarded to the 4th Respondent dated 8-10-2024
Exhibit-R14 (a)	True copy of the General Body notice dated nil issued by the 7th respondent committee
Exhibit-R14 (b)	True copy of the complaint filed before the 2nd respondent dated 22.01.2025
Exhibit-R14 (c)	True copy of the Judgment dated 03.03.2025 in W.P(C) No. 4623/2025 of this Honourable Court
Exhibit-R14 (d)	True copy of the Complaint No. 24/25 filed



Exhibit-R14(e) **before the Ombudsman dated 21.01.2025**
True copy of the relevant pages of the
Thiruvulsavam Notice 2025