

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

TUESDAY, THE 21<sup>ST</sup> DAY OF JUNE 2022 / 31ST JYAISHTA, 1944

DBP NO. 21 OF 2021

IN THE MATTER OF GURUVAYUR DEVASWOM BOARD -GDB PROCEEDINGS

INITIATED - REG.

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PETITIONER/S:

SUO MOTU

RESPONDENT/S:

- 1 THE MANAGING COMMITTEE (\*CORRECTED- GURUVAYOOR  
DEVASWOM MANAGING COMMITTEE)  
\*CORRECTED AS-  
GURUVAYOOR DEVASWOM MANAGING COMMITTEE,  
GURUVAYOOR, THRISSUR, PIN - 680101, REPRESENTED  
BY ITS ADMINISTRATOR
- 2 THE ADMINISTRATOR (\*CORRECTED)  
\*CORRECTED AS-  
THE ADMINISTRATOR, GURUVAYOOR DEVASWOM MANAGING  
COMMITTEE, GURUVAYOOR, THRISSUR, PIN- 680101  
  
\*CORRECTED VIDE ORDER DATED 28/02/2022 IN DBP  
21/2021
- 3 THE PRINCIPAL SECRETARY TO GOVERNMENT  
REVENUE (DEVASWOM ) DEPARTMENT,  
GOVERNMENT SECRETARIATE, THIRUVANANTHAPURAM.
- 4 THE STATION HOUSE OFFICER  
GURUVAYUR TEMPLE POLICE STATION, THRISSUR

- 5 K. AJITH  
MEMBER, GURUVAYOOR DEVASWOM COMMITTEE,  
RESIDING AT MUNDODITHARA,  
VADAKKE NADA, VAIKKOM P.O.,  
KOTTAYAM DISTRICT -PIN 686141
- 6 K V SHAJI, MEMBER,  
GURUVAYOOR DEVASWOM COMMITTEE,  
RESIDING AT KIZHAKKAPPURATH VEEDU,  
CHANGAL, KALADI P.O., ERNAKULAM DISTRICT,  
PIN 683574.
- 7 S V SESIR  
DEPUTY COMMISSIONER-1,  
STATE GOODS AND SERVICE TAX DEPARTMENT,  
TAX TOWER, KARAMANA,  
THIRUVANANTHAPURAM -695 002
- BY ADVS.  
GOVERNMENT PLEADER  
SHRI.T.K.VIPINDAS, SC, GURUVAYUR DEVASWOM BOARD  
GIRIJA K GOPAL  
S.SUJIN FOR R7  
NAVANEETH D.PAI

OTHER PRESENT:

SRI S RAJMOHAN - SR GOVERNMENT PLEADER ;  
SRI N.N.SUGUNAPALAN (SR ADVOCATE ) FOR R7

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY  
HEARD 27.05.2022, THE COURT ON 21.06.2022 DELIVERED  
THE FOLLOWING:

**“CR”**

**ORDER**

**Anil K. Narendran, J.**

By the proceedings dated 20.10.2021, the Registry was directed to initiate *suo motu* proceedings based on the letter dated 19.04.2021 of the 2<sup>nd</sup> respondent Administrator, Guruvayur Devaswom Managing Committee, addressed to the Registrar General of this Court, which pertains to the entry of the additional 7<sup>th</sup> respondent, a former Administrator of Guruvayur Devaswom Managing Committee, along with additional respondents 5 and 6, who are members of Guruvayur Devaswom Managing Committee, into the Nalambalam of Guruvayur Sree Krishna Temple, on 14.04.2021 at 2.30 a.m., in violation of Decision No.2 taken by the Managing Committee on 12.04.2021, imposing absolute restriction on entry of devotees.

2. On 09.11.2021, when this D.B.P. came up for consideration, the learned Standing Counsel for Guruvayur Devaswom Managing Committee took notice for respondents 1 and 2. The learned Senior Government Pleader took notice for respondents 3 and 4. Urgent notice by speed post was ordered

to additional respondents 5 to 7. The learned Standing Counsel was directed to file affidavit of respondents 1 and 2 and the learned Senior Government Pleader was directed to file statement of respondents 3 and 4, before 07.12.2021.

3. On 07.12.2021, the learned Standing Counsel for Guruvayur Devaswom Managing Committee sought further time to file the affidavit of the 2<sup>nd</sup> respondent Administrator. The learned counsel for additional respondents 5 and 6 and also the learned Senior Counsel for the additional 7<sup>th</sup> respondent sought one week's time to file affidavits. The learned Senior Counsel submitted that, on 14.04.2021, the additional 7<sup>th</sup> respondent entered into the Nalambalam of Guruvayur Sree Krishna Temple for Vishukani darshan, without knowing the decision taken by the Managing Committee, imposing restriction on entry of devotees.

4. By the order dated 07.12.2021, the 2<sup>nd</sup> respondent Administrator was directed to place on record, along with an affidavit, the norms prescribed by the Managing Committee for entry into the Nalambalam for Vishukani darshan and Nirmalya darshan, which was in force before the restrictions imposed in connection with Covid-19 pandemic, and also the norms

currently in force. The 2<sup>nd</sup> respondent was also directed to bring to the notice of this Court the action, if any, taken on the entry of vehicle near the temple entrance in September, 2021, allegedly in the presence of three members of the Managing Committee, in connection with which three security personnel were placed under suspension. The learned Standing Counsel for Guruvayur Devaswom Managing Committee was directed to make available for the perusal of this Court the relevant files relating to the decision taken by the Managing Committee on the complaint dated 16.04.2021 made by the 2<sup>nd</sup> respondent Administrator before the 4<sup>th</sup> respondent Station House Officer, regarding the incident that occurred on 14.04.2021.

5. Additional respondents 5 and 6 have filed individual affidavits raising similar contentions, wherein it is stated that though they were informed over the phone, on 11.04.2021, about the meeting of the Managing Committee scheduled on 12.04.2021, due to some official commitments, they could not attend that meeting. The usual practice followed after every meeting of the Managing Committee is that, the decision taken thereon would be circulated for the information of all members through WhatsApp. However, no such information was given to

additional respondents 5 and 6. Since they were not at Guruvayur, they did not notice the news item that appeared on 13.04.2021, regarding the restriction imposed on Vishukani darshan. On 14.04.2021, they reached Guruvayur and entered into the temple at 2.30 a.m. No staff in the temple prevented them from entering the Nalambalam. When they entered the Nalambalam, Smt.Breeja Kumari, the then Administrator was standing in front of 'Thrippadi', which is discernible from CCTV footage. Even when they met her, she did not raise any objection against their entry into the Nalambalam for Vishukani darshan. In the affidavits, it is pointed out that, the Deputy Administrator (Temple) who submitted the report dated 16.04.2021 to the 2<sup>nd</sup> respondent regarding the alleged violation of Covid-19 protocol was not there inside the Nalambalam, at that point of time.

6. In the affidavits filed by additional respondents 5 and 6, they would deny the allegation that it was as per their direction that the additional 7<sup>th</sup> respondent, who was restrained by the security officials of the temple, was permitted to enter the Nalambalam for Vishukani darshan. According to them, the 7<sup>th</sup> respondent entered into the Nalambalam only after they

had been inside the Nalambalam, which is discernible from CCTV footage. The additional 7<sup>th</sup> respondent neither requested them nor had there been any occasion for them to direct any security official to permit his entry into the Nalambalam for Vishukani darshan. The additional 7<sup>th</sup> respondent, being the former Administrator of Guruvayur Devaswom is familiar to all staff of the temple. To the best of their knowledge, the additional 7<sup>th</sup> respondent was not restrained from entry into the Nalambalam by any security staff. The meeting of the Managing Committee held on 12.04.2021 was attended by only five members, as evidenced by Annexure R5(a) minutes. Therefore, according to additional respondents 5 and 6, only because they had no knowledge or information about the decision taken by the Managing Committee, they entered into the Nalambalam for Vishukani darshan, which cannot be termed as an insult to the Managing Committee. Had they been informed or known about such a decision taken by the Managing Committee on 12.04.2021, prohibiting entry of all except persons who are on duty inside the Nalambalam, they would not have entered the Nalambalam for Vishukani darshan. In the individual affidavits, additional respondents 5

and 6 expressed their sincere apology for the inadvertent mistake that occurred on their part in entering the Nalambalam for Vishukani darshan on 14.04.2021.

7. In the individual affidavits filed by additional respondents 5 and 6, it is stated that, ever since they have taken charge as the members of the Managing Committee, they endeavoured to ensure the smooth functioning of the temple, in accordance with the rituals and customs. They are ardent devotees of Lord Guruvayurappan. They acted only in a manner best suited to administer, control and manage the Devaswom and its properties. In the said affidavits additional respondents 5 and 6 have alleged that, Smt.Breeja Kumari, the former Administrator of Guruvayur Devaswom, had entertained a personal grudge against them and three other members of the Managing Committee, for having preferred written complaints against her to the Principal Secretary to Government, Revenue (Devaswom) Department, the Devaswom Commissioner and also to the Chairman of the Managing Committee, on many a count including non-recording of the minutes of the meeting of the Managing Committee elaborately, with precision. According to additional



respondents 5 and 6, actuated with ill will due to such complaints, she had addressed a letter dated 19.04.2021 to the Registrar General of this Court, accusing that they have committed acts in violation of the decision of the Managing Committee, which was never communicated to them.

8. The additional 7<sup>th</sup> respondent has filed an affidavit dated 07.12.2021, wherein it is stated that he was the Administrator of Guruvayur Devaswom from 01.08.2018 to 31.07.2020, and his tenure as Administrator was unblemished. Covid-19 pandemic outbreak was reported during his tenure as Administrator and he had taken all steps to follow the protocols issued by the Government, from time to time. After he demitted office as the Administrator, he did not continue his acquaintance with any administrative aspects of Guruvayur Devaswom and he assumed the office of the Assistant Commissioner, GST Department, Thiruvananthapuram. He had no knowledge about the decision taken by the Managing Committee regarding entry into the Nalambalam for Vishukani darshan, as he reached Guruvayur only on 13.04.2021. During his visit, there was no board placed in the temple to know about such restrictions. He had seen some members of the

Managing Committee inside the Nalambalam. In the affidavit, the additional 7<sup>th</sup> respondent has stated that his entry into the Nalambalam was unintentional and that act was not willful to flout the directions of the Managing Committee. He is an ardent devotee of Lord Sree Krishna and he will not do anything against the etiquettes of the temple.

9. The 2<sup>nd</sup> respondent has filed an affidavit dated 16.12.2021, which is one sworn to by the present Administrator, who took charge on 07.10.2021. In the affidavit it is stated that he is swearing the said affidavit based on the facts of the case as revealed from the files available in the office and also CCTV footage, since the incident which is the subject matter of this *suo motu* proceedings occurred during the tenure of the previous Administrator. From CCTV footage, the contents of complaint dated 16.04.2021 made by the former Administrator does not appear to be fully correct. The issue was considered by the Managing Committee in its meeting held on 26.04.2021 and it was resolved vide Ext.R2(a) Resolution No.1 to withdraw the said complaint submitted before the 4<sup>th</sup> respondent Station House Officer, in connection with the aforesaid incident. In furtherance to Ext.R2(a), the

then Administrator had issued Ext.R2(b) letter dated 08.09.2021 to the 4<sup>th</sup> respondent, intimating the decision taken by the Managing Committee to withdraw that complaint.

10. In the affidavit, the 2<sup>nd</sup> respondent has stated that prior to Covid-19 pandemic there was no restriction regarding entry into the Nalambalam for Vishukani darshan. In the year 2020, there was no entry into the Nalambalam for Vishukani darsan. Subsequently, since the restriction for temple entry was lifted by the State Government, darshan upto Vathilmadam was permitted, after consultation with the District Administration, for pilgrims who register for darshan through the online portal of Guruvayur Devaswom. Entry into the Nalambalam was permitted for Constitutional Functionaries, VVIPs, VIPs, etc., on their request, since November, 2020. As regards senior citizens, entry was not permitted through the online portal, initially. Disabled persons aged between 10 and 60 years were permitted entry upto Vathilmadam, to have darshan in wheelchairs or crutches, after a detailed security screening of their equipment. Prior to Covid-19 pandemic, there was separate queue for senior citizens. Presently, senior citizens, who register online along with Covid vaccination

certificates, are permitted to have darshan inside the Nalambalam, since 1<sup>st</sup> of Vrischikam (16.11.2021). Wheelchairs and crutches are not permitted inside the Nalambalam. At present, no separate queue is provided for senior citizens. But that issue is under consideration of the Managing Committee.

11. In the affidavit filed by the 2<sup>nd</sup> respondent, it is stated that, in September, 2021, no security staff was placed under suspension on any count as per records. However, from the records, it is seen that the Security Superintendent has made a written submission that, on 09.09.2021, at 2.00 a.m., the vehicle of actor Mohanlal was permitted to enter the northern gate, accompanied by Mallissery Paramesan Namboothiripad, the Karanavan of the Mallissery Illom, who is a member of the Managing Committee, in another vehicle, and a controversy arose in social media regarding that incident. The temporary security staff on duty proceeded on leave for various reasons and they rejoined duty after three days. In the affidavit it is stated that vehicle entry is prohibited through eastern and western gates to the temple premises. However, restricted vehicle entry is permitted through southern and northern gates. Vehicles for the supply of articles to the temple

for offerings and annadanam, vehicles of disabled and aged persons and also ambulances are permitted entry through southern and northern gates, on request. The vehicles of persons who proceed to Thantrimadom, vehicles to the official residence of the Administrator, vehicles for the supply of articles to the hotels on the northern side, etc., are permitted entry by the security staff, through the northern gate, upon verification of the genuineness of the purpose of entry. Such requests are usually accepted subject to other security risks due to VVIP visits or crowding or other similar contingencies. This arrangement has been in force for the last several years. The arrangements for entry for Niramalya darsan or Vakacharthu darsan, prior to Covid-19 pandemic, appear to have been taken by the Managing Committee, which was in office during 2015-16.

12. The 4<sup>th</sup> respondent Station House Officer has filed a statement, wherein it is stated that the Temple Police had received a compliant dated 16.04.2021 from the 2<sup>nd</sup> respondent Administrator, alleging that two members of the Managing Committee, along with a previous Administrator had entered into the Nalambalam of Guruvayur Sree Krishna

Temple, on 14.04.2021 at about 2.30 a.m. As per the said complaint, they entered into the Nalambalam, in violation of the decision taken by the Managing Committee on 12.04.2021. The former Station House Officer registered a complaint and proceeded with the enquiry, in which statements of various persons were recorded. It was noticed that there is no commission of any cognizable offence or there is no allegation of violation of Covid-19 protocol, against persons who allegedly entered into the Nalambalam for Vishukani darshan. By that time, the Administrator had informed the Temple Police that she is intending to withdraw that complaint. Later, the Administrator requested the Temple Police to withdraw the said complaint, based on the decision taken by the Managing Committee on 26.04.2021. A copy of the said decision was forwarded to the Temple Police Station, on 08.09.2021. In such circumstances, no further action was taken on the complaint dated 16.04.2021.

13. Heard the learned Standing Counsel for Guruvayur Devaswom Managing Committee for respondents 1 and 2, the learned Senior Government Pleader for respondents 3 and 4, the learned counsel for additional respondents 5 and 6 and

also the learned Senior Counsel for the additional 7<sup>th</sup> respondent. We have also perused the files produced by the learned standing counsel, pursuant to the order of this court dated 07.12.2021. Arguments were heard on 27.05.2022, after the learned Standing Counsel for Guruvayur Devaswom Managing Committee and also the learned counsel for additional respondents 5 and 6 perusing the files relating to the incident that happened on 09.09.2021, referred to in the order of this Court dated 07.12.2021 and also in paragraph 7 of the affidavit filed by the 2<sup>nd</sup> respondent Administrator dated 16.12.2021.

14. The learned Standing Counsel for Guruvayur Devaswom Managing Committee would submit that, though the then Administrator made a complaint dated 16.04.2021 regarding the entry of additional respondents 5 to 7 into the Nalambalam of Guruvayur Sree Krishna Temple, in violation of Decision No.2 taken by the Managing Committee on 12.04.2021, the Committee later resolved, vide Ext.R2(a) Decision No.1 dated 26.04.2021, to withdraw the said complaint since it was found that the contents of that complaint does not appear to be fully correct. Based on the

said decision, the then Administrator submitted Ext.R2(b) letter dated 08.09.2021 to the 4<sup>th</sup> respondent Station House Officer to withdraw the said complaint and accordingly, no further action was taken by the police on that complaint.

15. The learned Senior Government Pleader for respondents 3 and 4 would submit that the 4<sup>th</sup> respondent Station House Officer dropped further proceedings in the complaint dated 16.04.2021 made by the 2<sup>nd</sup> respondent Administrator, in view of Ext.R2(a) decision dated 26.04.2021 of the Managing Committee, which was communicated to the Station House Officer, vide Ext.R2(b) letter dated 08.09.2021.

16. The learned counsel for additional respondents 5 and 6 and also the learned Senior Counsel for additional 7<sup>th</sup> respondent would submit that the entry of the said respondents into the Nalambalam of Guruvayur Sree Krishna Temple on 14.04.2021 for Vishukani darshan was without noticing the restriction on entry of devotees vide Decision No.2 taken by the Managing Committee on 12.04.2021. Neither additional respondents 5 and 6 nor the additional 7<sup>th</sup> respondent were prevented from their entry into the Nalambalam for Vishukani darshan by any security officials in



the temple. The learned counsel for additional respondents 5 and 6 would also point out that Smt.Breeja Kumari, the then Administrator of Guruvayur Devaswom was standing in front of Thrippadi when additional respondents 5 and 6 entered into the Nalambalam for Vishukani darshan. She did not raise any objection to their entry into the Nalambalam for Vishukani darshan. According to the learned counsel, the complaint dated 16.04.2021 of the then Administrator was actuated due to ill will towards additional respondents 5 and 6 since they along with three other members of the Managing Committee preferred written complaints against her before various authorities. The learned counsel would point out that, in the individual affidavits dated 16.12.2021, additional respondents 5 and 6 have expressed their sincere apology for the inadvertent mistake on their part in entering into the Nalambalam for Vishukani darshan, on 14.04.2021. The learned Senior Counsel would point out that, as stated in the affidavit filed by the additional 7<sup>th</sup> respondent, his entry into the Nalambalam for Vishukani darshan was unintentional and that act was not willful to flout the directions issued by the Managing Committee imposing restriction on the entry of

devotees into the Nalambalam for Vishukani darshan.

17. The Guruvayur Devaswom Act, 1978, enacted by the State Legislature, which received the assent of the President on 18.03.1978, makes provision for the proper administration of the Guruvayur Devaswom. Clause (a) of Section 2 of the Act defines 'Administrator' to mean the Administrator appointed under Section 14. Clause (b) of Section 2 of the Act defines 'Commissioner' as an officer not below the rank of Secretary to Government, who professes the Hindu Religion and believes in temple worship, appointed by the Government by notification in the Gazette. Clause (c) of Section 2 of the Act defines 'Committee' to mean Guruvayur Devaswom Managing Committee constituted under Section 3. Clause (f) of Section 2 of the Act defines 'person having interest in the temple' to mean a person who is entitled to attend at, or is in the habit of attending, the performance of worship or service in the temple or who is entitled to partake, or is in the habit of partaking, in the benefit of the distribution of gifts thereat.

18. Section 3 of the Act deals with incorporation. As per sub-section (1) of Section 3, the administration, control and

management of the Devaswom shall be vested in a Committee constituted in the manner hereinafter provided. As per sub-section (2) of Section 3, the Committee shall by the name of 'the Guruvayur Devaswom Managing Committee' be a body corporate and shall have perpetual succession and a common seal and shall by the said name sue and be sued through the Administrator.

19. Section 4 of the Act deals with composition of Guruvayur Devaswom Managing Committee. As per sub-section (1) of Section 4, the Committee shall consist of the following members, namely, (a) the Zamorin Raja; (b) the Karanavan for the time being of the Mallisseri Illom at Guruvayur; (c) the Thanthri of the Temple, ex-officio; (d) a representative of the employees of the Devaswom nominated by the Hindus among the Council of Ministers; (e) not more than five persons, of whom one shall be a member of a Scheduled Caste, nominated by the Hindus among the Council of Ministers from among persons having interest in the temple. As per sub-section (2) of Section 4, a person shall be disqualified for being nominated under clause (e) of sub-section (1), if - (i) he believes in the practice of untouchability

or does not profess the Hindu Religion or believe in temple worship; or (ii) he is an employee under the Government or the Devaswom; or (iii) he is below thirty years of age; or (iv) he is engaged in any subsisting contract with the Devaswom; or (v) he is subjected to any of the disqualifications mentioned in clauses (a), (b) and (c) of sub-section (3) of section 5. As per sub-section (3) of Section 4, the members of the Committee shall, at its first meeting, elect one of its members as its Chairman. As per sub-section (4) of Section 4, every member of the Committee shall, before entering upon his office make and subscribe in the presence of the Commissioner an oath in the following form, that is to say-

"I, AB, do swear in the name of God that I profess the Hindu Religion and believe in temple worship and that I do not believe in the practice of untouchability."

20. Section 9 of the Act deals with remuneration of the Chairman and members. As per Section 9, no member of the Committee shall receive or be paid any salary or other remuneration except such travelling or daily allowances, if any, as may be prescribed. Section 10 of the Act deals with the duties of the Committee. As per clause (a) of Section 10, subject to the provisions of the Act and the Rules made

thereunder, it shall be the duty of the Committee, subject to the custom and usage in the temple, to arrange for the proper performance of the rites and ceremonies in the temple and the subordinate temples attached thereto in accordance with the dittam or scale of expenditure fixed for the temple and the subordinate temples under Section 20 or, till the dittam or scale of expenditure is fixed under that Section, in accordance with the dittam or scale of expenditure fixed for the temple and the subordinate temples under Section 51 of the Madras Hindu Religious and Charitable Endowments Act, 1951; and as per clause (b) of Section 10, to provide facilities for the proper performance of worship by the worshippers.

21. Section 14 of the Act deals with appointment of Administrator. As per sub-section (1) of Section 14, the Committee shall appoint an officer of Government not below the rank of Deputy Collector to be the Administrator for the Devaswom, from among a panel of names furnished by the Government. As per sub-section (2) of Section 14, no person shall be appointed under sub-section (1), unless he professes the Hindu Religion and believes in temple worship. Section 17 of the Act deals with powers and duties of Administrator. As per

sub-section (1) of Section 17, the Administrator shall be the Secretary to the Committee and its Chief Executive Officer and shall, subject to the control of the Committee, have powers to carry out its decisions in accordance with the provisions of this Act. As per sub-section (2) of Section 17, the Administrator shall arrange for the proper collection of offering made in the temple. As per sub-section (3) of Section 17, the Administrator shall have power to incur expenditure not exceeding five thousand rupees to meet unforeseen contingencies during the interval between two meetings of the Committee.

22. Section 35 of the Act provides that, Thantri to be final authority in religious matters. As per sub-section (1) of Section 35, nothing in this Act shall be deemed to authorise the Committee or the Commissioner or the Government to interfere with the religious or spiritual matters pertaining to the Devaswom. As per sub-section (2) of Section 35, the decision of the Thantri of the temple on all religious, spiritual, ritual or ceremonial matters pertaining to the Devaswom shall be final, unless such decision violates any provision contained in any law for the time being in force.

23. In **Bijesh Kumar M. and others v. State of**

**Kerala and others [2021 (1) KHC 51]** a Full Bench of this Court held that, the role assigned to Guruvayur Devaswom Managing Committee constituted under Section 3 of the Guruvayur Devaswom Act, 1978, is that of a trustee in management of the properties vested in the deity. The Managing Committee is duty bound to scrupulously follow the stipulations contained in the Act of 1978. Unless a contrary intention, either expressly or by necessary implication, arises from the provisions of the statute in any particular subject or context, Guruvayur Devaswom Managing Committee is legally bound to administer and manage the Devaswom and its properties in accordance with the settled legal principles relating to the administration of Hindu Religious Trusts. The Committee, being the trustee in management of Devaswom properties, is legally bound to perform its duties with utmost care and caution.

24. All the properties, including movable and immovable properties and money, dedicated to or endowed in the name of Lord Guruvayurappan or any property acquired in any manner by Guruvayur Devaswom shall vest in the idol of Lord Guruvayurappan, consecrated in Sree Krishna Temple,

Guruvayur. Guruvayur Devaswom Managing Committee is legally bound to administer, control and manage all the properties belonging to Guruvayur Devaswom in accordance with the provisions of the said Act. The Administrator and the Commissioner shall also function within the frame work of the statute. Guruvayur Devaswom Managing Committee, which functions as a trustee, is bound to administer, control and manage the properties belonging to Guruvayur Devaswom in accordance with public interest and in the interest of the worshippers. In view of the prohibition contained in sub-section (1) of Section 35 of the Act, neither the Managing Committee nor the Commissioner or the Government shall interfere with the religious or spiritual matters pertaining to Guruvayur Devaswom. In view of the provisions under Rule 6 of the Rules, the Managing Committee shall not alter or cause to alter the performance of customary rites and ceremonies in Guruvayur Temple.

25. Rule 3 of the Guruvayur Devaswom Rules, 1980 deals with power of the Committee over the actions of the Administrator. As per Rule 3, the Committee may call for and examine any record connected with any action of the



Administrator and give such directions to him in accordance with the provisions of the Act and the Rules and Regulations made thereunder, as the Committee may consider necessary. As per Rule 4, the Administrator shall take steps to implement all the lawful decisions of the Committee. Rule 6 provides that Committee not to alter the performance of rites and ceremonies, etc. As per Rule 6, the Committee shall not alter or cause to alter the performance of customary rites and ceremonies in the temple. Rule 20 deals with meetings of the Committee. As per Rule 20, the Committee shall meet ordinarily once in two months or as often as required.

26. Decision No.2 taken by the Managing Committee on 12.04.2021, imposing absolute restriction on entry of devotees, reads thus;

"ഗുരുവായൂർ ക്ഷേത്രത്തിൽ ഏപ്രിൽ 14 ന് വിഷു ദിവസം വിഷുക്കണിസ്സ് നട തുറക്കുന്ന പുലർച്ചെ 2.30 മുതൽ 4.30 വരെ വാതിൽമാടത്തിന് മുൻവശത്തു നിന്ന് ഭക്തർക്ക് ഭഗവൽ ദർശനം അനുവദിക്കുന്നതാണെന്നും, നാലമ്പലത്തിനകത്ത് പ്രവർത്തി-യുള്ള ജീവനക്കാർ ഒഴികെ, മറ്റാർക്കും (മറ്റു പാരമ്പര്യ പ്രവർത്തിക്കാർ, ഭരണസമിതി അംഗങ്ങൾ, വി.ഐ.പി.മാർ തുടങ്ങിയവർ) ടി സമയത്ത് നാലമ്പലത്തിലേയ്ക്ക് പ്രവേശനം ഉണ്ടായിരിക്കുന്നതല്ലെന്നും ഭരണസമിതി തീരുമാനിച്ചു."

(underline supplied)

27. Regarding the incident that occurred on 14.04.2021, the 2<sup>nd</sup> respondent Administrator submitted a complaint dated

16.04.2021 to the 4<sup>th</sup> respondent Station House Officer, Guruvayur Temple Police Station, along with a submission dated 16.04.2021 of the Deputy Administrator. Thereafter, in view of the direction contained in the order of the Devaswom Bench dated 07.12.2020 in D.B.P.No.52 of 2020, the 2<sup>nd</sup> respondent reported to this Court the action taken on the entry of additional respondents 5 to 7 into the Nalambalam, vide letter dated 19.04.2021 addressed to the Registrar General of this Court, wherein it is stated that, based on Decision No.2 taken by the Managing Committee on 12.04.2021, instructions were given to the officers in the temple regarding the restriction imposed on the entry of devotees into the Nalambalam and the resolution was widely published in newspapers and also in the official Facebook page of Guruvayur Devaswom.

28. The proceedings in D.B.P.No.52 of 2020, which was registered *suo motu* by the Division Bench, pertain to the entry of certain persons into the Nalambalam of Guruvayur Sree Krishna Temple, on 24.11.2020, when there was an absolute restriction to the entry of devotees. The said D.B.P. was disposed of by the order dated 07.12.2020. In the said order,

the Division Bench noticed that, owing to Covid-19 pandemic, with a view to avoid its outspread and interruption of quotidian poojas and offerings to the deity, in case the Santhies getting indisposed, a decision was taken by the Managing Committee, not to permit entry of devotees inside the Nalambalam. The Covid protocol prevalent at the relevant point of time did not permit entry of anyone inside the Nalambalam except the Santhies, Thantri and a few selected employees. Through virtual booking, 1000 devotees were permitted to have darshan. They were permitted entry only up to the flag mast. When that be so, none should have been permitted to enter into the Nalambalam except the permittees. At any rate, during such period of restriction, none should have been permitted to violate with impunity. When such a decision was taken as part of Covid-19 protocol, with aforesaid purpose, it has to be adhered to strictly.

29. In the order dated 07.12.2020 in D.B.P.No.52 of 2020, the Division Bench noticed that, there is nothing on record, which would reveal that in respect of the incident any action has been taken against the erring employees. In the said order, the Division Bench expressed its deep displeasure

on the said action as also the inaction. The Division Bench observed that, it is for the Devaswom authorities to take or cause to take the needful and lawful action. By the order dated 07.12.2020, the 2<sup>nd</sup> respondent Administrator was directed to look into the matter firstly, and take appropriate action in the matter, as also to avoid recurrence of such violations, within a period of two weeks from the date of receipt of a copy of that order.

30. In view of the specific directions contained in the order dated 07.12.2020 in D.B.P.No.52 of 2020, the 2<sup>nd</sup> respondent Administrator, vide letter dated 19.04.2021, reported to this Court the entry of additional respondents 5 to 7 into the Nalambalam of Guruvayur Sree Krishna Temple, on 14.04.2021 at 2.30 a.m., in violation of Decision No.2 taken by the Managing Committee on 12.04.2021, imposing absolute restriction on the entry of devotees. In the said letter of the 2<sup>nd</sup> respondent it is stated that taking note of the precautionary measures to be taken on account of the second wave of Covid-19 pandemic, the Managing Committee evaluated the restrictions to be imposed on the auspicious day of Vishu regarding Vishukani darshan, and vide Decision No.2 taken on

12.04.2021, it was resolved that none shall be permitted to enter the Nalambalam, which includes the members of the Managing Committee, the hereditary employees and VIPs, except persons who are on duty inside the Nalambalam. It was further resolved that, from 2.30 a.m. to 4.30 a.m., Vishukani darshan can be permitted from Vathilmadam. Accordingly, necessary instructions were given to the officers in the temple and the decision taken by the Managing Committee was widely published in newspapers and also on the official Facebook page of Guruvayur Devaswom. In the said letter, the then Administrator has stated that, in the early hours of Vishu day, i.e., 14.04.2021, the additional 7<sup>th</sup> respondent, who was the former Administrator of Guruvayur Devaswom Managing Committee, attempted to enter into the Nalambalam in violation of Decision No.2 taken by the Managing Committee. He was restrained by the security officials in the temple. But by about 2.30 a.m., additional respondents 5 and 7, who are members of the Managing Committee, in utter disregard to Decision No.2 and with an intention to flout the said decision entered into the Nalambalam. They directed the security officials to permit the additional 7<sup>th</sup> respondent to enter into

the Nalambalam, thereby they aided and facilitated the act of trespass by exerting influence and power over the security officials. Additional respondents 5 to 7 thus entered into the Nalambalam and had Vishukani darshan. Regarding the said incident, the Deputy Administrator (Temple) submitted a report dated 16.04.2021. On 16.04.2021 itself, the 2<sup>nd</sup> respondent submitted a complaint dated 16.04.2021 before the 4<sup>th</sup> respondent Station House Officer regarding the aforesaid incident.

31. The then Administrator reported the above incident, which occurred on 14.04.2021, to the Principal Secretary to Government, Revenue (Devaswom) Department and also to the Commissioner, on 17.04.2021. In the said letter she has pointed out that, when additional respondents 5 to 7 entered into the Nalambalam for Vishukani darshan, in violation of the restrictions imposed in Decision No.2 dated 12.04.2021, a Judge of this Court was waiting for Vishukani darshan at Vathilmadam till 4.30 a.m., without entering into the Nalambalam, due to the aforesaid restriction imposed by the Managing Committee. Thereafter, she reported the said incident to this Court, vide letter dated 19.04.2021 addressed

to the Registrar General. Despite the fact that the actions taken by the then Administrator, as stated above, are in terms of the directions contained in the order of this Court dated 07.12.2020 in DBP.No.52 of 2020, the Managing Committee which met on 26.04.2021 resolved, vide Ext.R2(a) Decision No.1, to withdraw the complaint filed by the Administrator in connection with Vishukani darshan in Guruvayur Temple Police Station and to intimate the said fact to the 4<sup>th</sup> respondent Station House Officer. Pursuant to the said decision, the then Administrator vide Ext.R2(b) letter dated 08.09.2021, requested the 4<sup>th</sup> respondent to permit withdrawal of that complaint. As stated in the statement filed by the 4<sup>th</sup> respondent, based on Ext.R2(a) decision of the Managing Committee and Ext.R2(b) request, no further action was taken in the said complaint.

32. A reading of the preamble of the Act would clearly show that the authorities constituted under the said Act, especially the Guruvayur Devaswom Managing Committee, the Administrator and the Commissioner are enjoined with the duty to administer, control and manage the affairs of the Temple, its properties and endowments. The Managing Committee, which

functions as a trustee, is legally bound to administer, control and manage all the properties belonging to Guruvayur Devaswom in accordance with the provisions of the said Act. The Administrator and also the Commissioner are legally bound to function within the frame work of the statute. In view of the provisions under Section 17 of the Act, the Administrator is bound to carry out the decisions taken by Guruvayur Devaswom Managing Committee in accordance with the provisions of the Act. In view of the provisions under Rule 3 of the Rules, any directions issued by the Managing Committee to the Administrator shall be in accordance with the provisions of the Act and the Rules and Regulations made thereunder, as the Committee may consider necessary. As per Rule 4, the Administrator shall take steps to implement all the lawful decisions of the Committee.

33. It is not in dispute that, additional respondents 5 and 6, who are members of Guruvayur Devaswom Managing Committee, and the additional 7<sup>th</sup> respondent, who is a former Administrator of Guruvayur Devaswom, entered into the Nalambalam of Guruvayur Sree Krishna Temple on 14.04.2021, for Vishukani darshan. It is also not in dispute that, their entry



into the Nalambalam for Vishukani darshan was in violation of the restriction imposed in Decision No.2 taken by the Managing Committee on 12.04.2021, whereby it was resolved that none shall be permitted to enter the Nalambalam, which includes the members of the Managing Committee, the hereditary employees and VIPs, except persons who are on duty inside the Nalambalam. It was further resolved that, from 2.30 a.m. to 4.30 a.m., Vishukani darshan can be permitted from Vathilmadam.

34. As per clause (a) of Section 10 of the Act, subject to the provisions of the Act and the Rules made thereunder, it shall be the duty of the Committee, subject to the custom and usage in the temple, to arrange for the proper performance of the rites and ceremonies in the temple and as per clause (b) of Section 10, to provide facilities for the proper performance of worship by the worshippers. In the Act, there is no definition for the expression 'worshipper'. According to Oxford Dictionary, 'worshipper' is a person who shows reverence and adoration for a deity. Right to worship is a civil right, of course in an accustomed manner and subject to the practise and tradition in each temple. A 'worshipper', who shows reverence and

adoration for Lord Guruvayurappan, is duty bound to exercise his right to worship in an accustomed manner and subject to the practise and tradition in Guruvayur Sree Krishna Temple. He is duty bound to obey the restrictions, if any, imposed by the Managing Committee with a view to avoid outspread of Covid-19 and interruption of quotidian poojas and offerings to the deity in case Santhies getting indisposed.

35. When restrictions regarding entry into the Nalambalam are imposed based on the decision taken by the Managing Committee, which prohibits the entry of all except Santhies and persons who are on duty inside the Nalambalam, the members of the Managing Committee, the Administrator and also the hereditary employees cannot be permitted entry into the Nalambalam, flouting such restriction imposed with a view to avoid outspread of Covid-19 and/or interruption of quotidian poojas and offerings to the deity in case Santhies getting indisposed. They are bound to obey any such restrictions imposed by the Managing Committee.

36. The stand taken in the affidavits filed by additional respondents 5 and 6 is that they were unaware of the decision taken by the Managing Committee on 12.04.2021, restricting

entry into the Nalambalam for Vishukani darshan. Without noticing such restriction, they entered into the Nalambalam on 14.04.2021 at 2.30 a.m. When they entered into the Nalambalam, the then Administrator, namely, Smt.Breeja Kumari, was also inside the Nalambalam for Vishukani darshan. She never raised any objection in their entry into the Nalambalam for Vishukani darshan. Their entry into the Nalambalam for Vishukani darshan was not prevented by the security officials in the temple. After their entry into the Nalambalam, the additional 7<sup>th</sup> respondent also entered into the Nalambalam for Vishukani darshan. No security officials prevented him from entering into the Nalambalam for Vishukani darshan, since he being a former Administrator of Guruvayur Devaswom is familiar to the employees. The stand taken in the affidavit filed by the additional 7<sup>th</sup> respondent is that he had no knowledge about the decision taken by the Managing Committee regarding entry into the Nalambalam for Vishukani darshan, as he reached Guruvayur only on 13.04.2021, and there was no board placed in the temple to know about such restriction. Therefore, his entry into the Nalambalam was unintentional and that act was not willful to

flout the directions of the Managing Committee.

38. The stand taken by the then Administrator, in her letter dated 19.04.2021 addressed to the Registrar General of this Court is that, instructions were given to the officers in the temple, based on Ext.R2(a) decision taken by the Managing Committee on 12.04.2021, regarding the restriction imposed in Vishukani darshan and the resolution was widely published in newspapers and also in the official Facebook page of Guruvayur Devaswom. Such a statement has been made in her complaint before the 4<sup>th</sup> respondent Station House Officer dated 16.04.2021 and also in the letter dated 17.04.2021 addressed to the Secretary to Government, Revenue (Devaswom) Department and the Commissioner. However, the said fact is conspicuously absent in the affidavit filed by the present Administrator, who stated to have sworn to the affidavit dated 16.12.2021, based on the facts of the case as revealed from the files available in his office.

39. As already noticed hereinbefore, it is pointed out in the letter dated 17.04.2021 of the then Administrator addressed to the Principal Secretary to Government, Revenue (Devaswom) Department and to the Commissioner that, when

additional respondents 5 to 7 entered into the Nalambalam for Vishukani darshan, in violation of the restrictions imposed in Decision No.2 dated 12.04.2021, a Judge of this Court was waiting for Vishukani darshan at Vathilmadam till 4.30 a.m., without entering into the Nalambalam, due to the restriction imposed vide Ext.R2(a) decision taken by the Managing Committee on 12.04.2021. The said fact would make it explicitly clear that instructions were given to the officers in the temple and also those in Sreevalsam Guest House about the decision taken by the Managing Committee imposing absolute restriction on the entry of devotees into the Nalambalam for Vishukani darshan, including members of the Managing Committee, VIPs, etc. Therefore, we find absolutely no merits in the contention of additional respondents 5 and 6 that, they were unaware of Ext.R2(a) decision restricting entry into the Nalambalam for Vishukani darshan.

40. In the complaint dated 16.04.2021 of the then Administrator before the 4<sup>th</sup> respondent Station House Officer, it is alleged that, when the security personnel objected the entry of the additional 7<sup>th</sup> respondent, on account of the restrictions imposed in Vishukani darshan, additional

respondents 5 and 6 interfered with and forcefully permitted him to enter into the Nalambalam. Additional respondents 5 and 6 have denied the said allegation in their individual affidavits. In the affidavit filed by the additional 7<sup>th</sup> respondent it is stated that he had seen some members of the Managing Committee inside the Nalambalam.

41. If, as stated in the individual affidavits filed by additional respondents 5 and 6, their entry into the Nalambalam for Vishukani darshan was not prevented by the security staff in the temple, it can only be concluded that such restrictions imposed by the Managing Committee are being flouted openly by the members of the Managing Committee, in the presence of the security staff in the temple. In violation of the absolute restriction in Ext.R2(a) decision, the then Administrator of Guruvayur Devaswom was also permitted entry into the Nalambalam on 14.04.2021, for Vishukani darshan. The additional 7<sup>th</sup> respondent, a former Administrator of Guruvayur Devaswom, was also permitted entry into the Nalambalam for Vishukani darshan, who was also not prevented by the security staff in the temple. In the individual affidavits filed by additional respondents 5 and 6 it is stated

that no security staff prevented the additional 7<sup>th</sup> respondent from entering into the Nalambalam for Vishukani darshan, since he being a former Administrator is familiar to the employees.

42. Despite the directions contained in the order of this Court dated 07.12.2020 in D.B.P.No.52 of 2020, in which the Division Bench expressed its deep displeasure in the inaction on the part of Guruvayur Devaswom in taking any action against the erring employees, who were responsible for the entry of certain persons into the Nalambalam on 24.11.2020, when there was an absolute restriction on the entry of devotees inside the Nalambalam, the restrictions imposed by the Managing Committee regarding entry into the Nalambalam are being flouted openly by the members of the Managing Committee, the Administrator and former officers of Guruvayur Devaswom, in the presence of the security staff in the temple, as disclosed from the pleadings and materials on record. When such violations are by the members of the Managing Committee, the Administrator and even former officials of Guruvayur Devaswom, the security staff and other officials in the temple are not able to control it effectively. The presence

of a Judge of this Court in the temple on 14.04.2021, who was waiting for Vishukani darshan at Vathilmadam till 4.30 a.m., without entering into the Nalambalam, might have prompted the then Administrator to submit a complaint dated 16.04.2021 before the 4<sup>th</sup> respondent Station House Officer and to report the said incident to the Secretary to Government, Revenue (Devaswom) Department and also the Commissioner on 17.04.2021 and thereafter, report the same to the Registrar General of this Court on 19.04.2021.

43. In view of the provisions under Section 17 of the Act and Rule 3 of the Rules, any direction issued by the Managing Committee to the Administrator shall be lawful. The Managing Committee committed a grave irregularity in not taking any action on the entry of additional respondents 5 to 7 and also the then Administrator into the Nalambalam on 14.04.2021, in violation of Decision No.2 dated 12.04.2021. The Managing Committee even interfered with the action taken by the then Administrator, who was bound to take action on such violations, in view of the directions contained in the order of this Court dated 07.12.2020 in D.B.P.No.52 of 2020. The decision taken by the Managing Committee to withdraw the



complaint made by the Administrator and the consequential closure of that complaint by the 4<sup>th</sup> respondent Station House Officer was never brought to the notice of this Court, despite the fact that the Administrator had already reported that incident to the Registrar General of this Court. We strongly deprecate the above conduct of the Managing Committee, which amounts to its failure to discharge the statutory duties.

44. By the order dated 07.12.2021, the 2<sup>nd</sup> respondent Administrator was directed to bring to the notice of this Court, the action, if any, taken on the entry of vehicle near the temple entrance in September, 2021, allegedly in the presence of three members of the Managing Committee, in connection with which three security personnel were placed under suspension. In the affidavit filed by the 2<sup>nd</sup> respondent Administrator it is stated that the Security Superintendent has made a written submission that, on 09.09.2021, at 2.00 a.m., the vehicle of actor Mohanlal was permitted to enter the northern gate, accompanied by Mallissery Paramesan Namboothiripad, the Karanavan of the Mallissery Illom, who is a member of the Managing Committee, in another vehicle, and a controversy arose in social media regarding that incident. Vehicle entry is

prohibited through eastern and western gates to the temple premises. However, restricted vehicle entry is permitted through southern and northern gates. Vehicles for supply of articles to the temple for offerings and annadanam, vehicles of disabled and aged persons and also ambulances are permitted entry through southern and northern gates, on request. The vehicles of persons who proceed to Thantrimadom, vehicles to the official residence of the Administrator, vehicles for the supply of articles to the hotels on the northern side, etc., are permitted entry by the security staff, through the northern gate, upon verification of the genuineness of the purpose of entry.

45. Pursuant to the order of this Court dated 07.12.2021, the learned Standing Counsel for Guruvayur Devaswom Managing Committee has made available for the perusal of this Court the files relating to the norms prescribed by the Managing Committee for entry into the Nalambalam for Vishukani darshan, Nirmalya darshan, etc. The said files contain the files relating to the incident that occurred on 09.09.2021. Regarding the said incident, a submission dated 11.09.2021 made by the Security Guard to the Security

Supervisor, Guruvayur Devaswom is available at page No.153 of File No.005942/21, which is extracted hereunder;

“സാർ എന്റെ Duty E എന്ന പോസ്റ്റിൽ 08.09.2021 ഇന്ന് രാത്രി 20.00 hrs to 05.00 hrs a.m. വരെയായിരുന്നു. പിറ്റേ ദിവസം 09.09.2021 ഇന്ന് പുലർച്ചെ സമയം 02.45hrs D Post വഴി നിർമ്മാല്യ ദർശനത്തിനായി മല്ലിശേരി പരമേശ്വരൻ നമ്പൂതിരിപ്പാടിന്റെ വണ്ടിയും അതിനു ശേഷം പിന്നാലെ 10 മിനിറ്റിനു ശേഷം Innova യും, Benz കാറും വന്നിരുന്നു. Benz കാറിൽ Ravi Pillai യും, Mohanlal ഉം, Innova യിൽ അവരുടെ അനുയായികളും ഉണ്ടായിരുന്നു. Innova കാർ തടഞ്ഞപ്പോൾ മല്ലിശേരി പറഞ്ഞിട്ടുണ്ട് എന്നാണ് പറഞ്ഞത്. കാർ നേരെ ഭഗവതി അമ്പലത്തിനു പുറത്തു കൊണ്ട് നിർത്തി. ഭഗവതി അമ്പലത്തിൽനിന്ന് പുറത്തു വന്ന സമയം മല്ലിശേരിയും, ACP യും, Ex-MLA Ajith സാറും, K.V.Shaji സാറും ഉണ്ടായിരുന്നു. Innova യിൽ വന്ന വണ്ടിയിൽ മുൻപിൽ ഇരുന്ന ആളുടെ പേര് Sreevalsam ൽ ജോലിചെയ്യുന്ന പ്രവീൺ എന്നയാളാണ് മല്ലിശേരിയുടെ ഓർഡർ ഉണ്ട് എന്ന് പറഞ്ഞത്.”

45. The submission dated 11.09.2021 made by the Security Supervisor to the Administrator, based on the aforesaid submission of the Security Guard and also the submission of another security staff, is available at page No.151 of File No.005942/21, which reads thus;

“അന്നെ ദിവസത്തെ മാമ്പിറ ഗെയ്റ്റിൽ ഡ്യൂട്ടിയിൽ ഉണ്ടായിരുന്ന GDS കുട്ടൻപിള്ള, 10.09.2021 ഇന്ന് ഇദ്ദേഹത്തിന്റെ ഭാര്യയെ RCC യിൽ കാണിക്കേണ്ടതിനാൽ 09.09.2021 ഇന്ന് കാലത്തേ shift duty ക് ശേഷം മൂന്നുദിവസത്തെ leave ഇന്ന് പോയി. Mobil phone ലൂടെ ഈ വിഷയത്തെപ്പറ്റി ചോദിച്ചപ്പോൾ അന്നേദിവസം 02.30hrs ഇന്ന് ശേഷം മൂന്ന് വണ്ടികൾ ഈ കവാടത്തിൽ വഴി വരുകയും, തടഞ്ഞപ്പോൾ വണ്ടിയിൽ നിന്ന് ശ്രീ മല്ലിശേരി തിരുമേനി പറഞ്ഞ KELSO ഈ ഞാനാണ് വണ്ടി വിട്ടോളൂ എന്ന് പറഞ്ഞതനുസരിച്ചാണ് വണ്ടികൾ വിട്ടത് എന്നാണ്

പറഞ്ഞത്. കൂടാതെ സുമാർ 06.20 hrs ഇന് ശേഷം മോഹൻലാൽ വന്ന വണ്ടി തടഞ്ഞു നിർത്തി ചോദിച്ചെന്നും, ഞാൻ മോഹൻലാൽ ആണ് തന്ത്രിയുടെ നിർദ്ദേശം ഉണ്ട് എന്ന് പറഞ്ഞു മോഹൻലാൽ അത് പ്രകാരമാണ് വണ്ടി വിട്ടതെന്നുമാണ് GDS കുട്ടൻപിള്ള പറഞ്ഞത്. ഈ വിവരം തക്കസമയത്തോ, ശേഷമോ ബന്ധപ്പെട്ട അധികാരികളുടെ ശ്രദ്ധയിൽ പ്രസ്തുത സെക്യൂരിറ്റി ജീവനക്കാരൻ പെടുത്തി എന്നതും ഒരു വിഷയമാണ്. 12ആം തീയതിക്ക് ശേഷം ലീവ് കഴിഞ്ഞു വന്നാൽ ഈ വ്യക്തിയിൽനിന്നും സ്റ്റേറ്റ്മെന്റ് എഴുതി മേട്രിക് സമർപ്പിക്കാം. അന്നെ ദിവസത്തെ ഭഗവതി കവാട ഡ്യൂട്ടി സെക്യൂരിറ്റിയുടെയും E Post (Administrator വസതിക്കു മുൻവശം) സെക്യൂരിറ്റി ജീവനക്കാരന്റെയും ബോധ്യപ്പെടുത്തുന്ന വിവരം ഇതോടൊപ്പം സമർപ്പിക്കുന്നു.”

46. The statements made in paragraphs 7 and 8 of the affidavit dated 16.12.2021 filed by the 2<sup>nd</sup> respondent Administrator and also the materials on record in the relevant files would make it explicitly clear that a class of worshippers are permitted to bring their vehicles upto Bhagavathy Temple, through the Nadapathal, with the active support of the Members of the Managing Committee or the Administrator. In the written submission extracted hereinbefore at paragraph 44, the presence of the additional 5<sup>th</sup> respondent (K.V. Shaji) is mentioned. A reading of the said submission would show that the vehicles, which entered through the northern gate, proceeded directly to Bhagavathy Temple, through the Nadapathal.

47. As already noticed hereinbefore, a 'worshipper', who

shows reverence and adoration for Lord Guruvayurappan, is duty bound to exercise his right to worship in an accustomed manner and subject to the practise and tradition in Guruvayur Sree Krishna Temple. Nadapanthal is not intended for the movement of worshippers in vehicles. Entry of vehicles through Nadapanthal will certainly cause inconvenience to the worshippers, especially children of tender age, senior citizens, persons with disabilities and also mentally challenged persons. Restricted entry of vehicles through the northern gate, causing least inconvenience to the worshippers moving through the Nadapathal, can be permitted for disabled persons or aged persons with restricted movement. Similarly, restricted movement of vehicles for the supply of articles to the temple for offerings and annadhanam, causing least inconvenience to the worshippers moving through the Nadapathal, can also be permitted. In addition to this, the movement of ambulance through Nadapanthal, in case of emergency, can also be permitted. However, the practise of permitting a class of worshippers to bring their vehicles upto Bhagavathy Temple, through the Nadapathal, with the active support of the members of the Managing Committee or the Administrator, has

to be stopped with immediate effect.

48. Regarding entry of senior citizens, it is stated in the affidavit filed by the 2<sup>nd</sup> respondent that, prior to Covid-19 pandemic, there was a separate queue for senior citizens. On account of the restrictions imposed in connection with Covid-19 pandemic, no separate queue is provided for senior citizens. But that issue is under consideration of the Managing Committee. In case a decision on the issue relating to a separate queue for senior citizens is yet to be taken, the 1<sup>st</sup> respondent Managing Committee shall consider that issue and take an appropriate decision, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this order. The 1<sup>st</sup> respondent Managing Committee shall also consider the issue of providing appropriate arrangement for the darshan of persons with disabilities and also mentally challenged persons, within the aforesaid time limit.

49. During the course of arguments, it is brought to the notice of this Court that the term of the Managing Committee, which was in office when the incident in question occurred, is already over. The term of additional respondents 5 and 6 as

members of the Managing Committee is also over.

50. In the above circumstances, this D.B.P. is disposed of with the observations contained hereinbefore at paragraph 43, strongly deprecating the conduct of the Managing Committee in not taking any action on the entry of additional respondents 5 to 7 and also the then Administrator into the Nalambalam on 14.04.2021 and interfering with the action taken by the then Administrator on such violation, which amounts to its failure to discharge the statutory duties.

50.1. The 1<sup>st</sup> respondent Managing Committee is directed to ensure that any restrictions imposed regarding entry into the Nalambalam of Guruvayur Sree Krishna Temple, as and when issued, are not being flouted by any member of the Managing Committee, the Administrator, former officers of Guruvayur Devaswom or any worshipper.

50.2. The 1<sup>st</sup> respondent Managing Committee shall stop with immediate effect, the practise of permitting a class of worshippers to bring their vehicles upto Bhagavathy Temple, through the Nadapathal, with the active support of the members of the Managing Committee or the Administrator.

50.3. Restricted entry of vehicles, as provided

hereinbefore at paragraph 47, can be permitted, causing the least inconvenience to the worshippers moving through the Nadapathal, for disabled persons or aged persons with restricted movement, for the supply of articles to the temple for offerings and annadhanam, and also the movement of ambulance, in case of emergency.

50.5. In case a decision on the issue relating to a separate queue for senior citizens is yet to be taken, the 1<sup>st</sup> respondent Managing Committee shall consider that aspect and take an appropriate decision, as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a certified copy of this order.

50.6. The 1<sup>st</sup> respondent Managing Committee shall also consider the issue of providing an appropriate arrangement for the darshan of persons with disabilities and also mentally challenged persons, within the aforesaid time limit.

Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**P.G. AJITHKUMAR, JUDGE**

bkn/-



**APPENDIX**

**RESPONDENT'S EXHIBITS:**

- EXHIBIT R2(a): A TRUE COPY OF THE RESOLUTION NO.1 OF THE GURUVAYUR DEVASWOM MANAGING COMMITTEE DATED 26.04.2021.
- EXHIBIT R2(b): A TRUE COPY OF THE LETTER DATED 08.09.2021 ISSUED BY THE ADMINISTRATOR TO THE STATION HOUSE OFFICER, GURUVAYUR TEMPLE POLICE STATION RESOLUTION NO.1 OF THE GDMC
- ANNEXURE R5(a): TRUE COPY OF THE DOCUMENTS RECEIVED UNDER THE RIGHT TO INFORMATION ACT EVIDENCING RESOLUTION DATED 12.04.2021 OF GDMC.
- ANNEXURE R6(a): A TRUE COPY OF THE DOCUMENTS OBTAINED UNDER THE RIGHT TO INFORMATION ACT EVIDENCING RESOLUTION DATED 12.04.2021 OF GDMC.
- ANNEXURE R6(b): TRUE COPY OF THE CD OF THE CCTV FOOTAGE OF THE NALAMBALAM DURING VISHUKKANI DARSAN ON 14.04.2021, OBTAINED UNDER THE RIGHT TO INFORMATION ACT.