

IN THE HIGH COURT OF KERALA AT ERNAKULAM**PRESENT****THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V****&****THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR****Wednesday, the 17th day of December 2025 / 26th Agrahayana, 1947****SSCR NO. 29 OF 2025**

**IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT - SM.NO. 29/2025 - REPORT REGARDING THE STEPS TO BE TAKEN TO PROVIDE
ADEQUATE FACILITIES TO SABARIMALA PILGRIMS AT THE EDATHAVALAMS FOR THE MANDALAM
MAKARAVILAKKU FESTIVAL SEASON 2025-2026 (1201 M.E.) - SUO MOTU PROCEEDINGS
INITIATED - REG:**

PETITIONER:**SUO MOTU****RESPONDENTS:**

- 1. UNION GOVERNMENT, MINISTRY OF RAILWAYS,
REPRESENTED BY THE DIVISIONAL RAILWAY MANAGER,
(THIRUVANANTHAPURAM DIVISION), THIRUVANANTHAPURAM - 695001**
- 2. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695001**
- 3. TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCOD, KAWDIAR POST,
THIRUVANANTHAPURAM - 695003**
- 4. DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS, NANTHANCOD,
THIRUVANANTHAPURAM - 695003**
- 5. EXECUTIVE OFFICER SABARIMALA,
PAMPA TRIVENI P.O., PATHANAMTHITTA - 689670**
- 6. EXECUTIVE MAGISTRATE,
OFFICE OF THE SABARIMALA SPECIAL COMMISSIONER, SABARIMALA,
PATHANAMTHITTA, PIN - 689713**

7. SECRETARY,
DISTRICT TOURISM PROMOTION COUNCIL (DTPC), KODIMATHA,
KOTTAYAM - 686013
8. COCHIN DEVASWOM BOARD
REP. BY ITS SECRETARY, ROUND NORTH, THRISSUR - 680001
9. MALABAR DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, HOUSEFED COMPLEX, ERANHIPALAM,
KOZHIKODE - 673006
10. GURUVAYUR DEVASWOM MANAGING COMMITTEE,
GURUVAYUR DEVASWOM, GURUVAYUR, PIN - 680101,
REPRESENTED BY ITS ADMINISTRATOR
11. ERUMELI GRAMA PANCHAYATH
REPRESENTED BY SECRETARY SH 44, ERUMELI, KOTTAYAM - 686509
12. DISTRICT COLLECTOR, COLLECTORATE, ALAPPUZHA - 688001
13. DISTRICT POLICE CHIEF, MUKHAM PURAYIDOM, CIVIL STATION WARD,
ALAPPUZHA 688012
14. CHENGANNUR MUNICIPALITY
REP. BY ITS SECRETARY, CHENGANNUR, ALAPPUZHA - 689121
15. DIVISIONAL MANAGER,
SOUTHERN RAILWAY, THIRUVANANTHAPURAM DIVISION
16. STATION MASTER, CHENGANNUR RAILWAY STATION
17. STATION MASTER, ERNAKULAM SOUTH RAILWAY STATION
18. ADMINISTRATIVE OFFICER, ERUMELI DEVASWOM
19. DISTRICT POLICE CHIEF, KOTTAYAM
20. DISTRICT COLLECTOR, KOTTAYAM
21. STATION HOUSE OFFICER, ERUMELI POLICE STATION
22. STATION HOUSE OFFICER,
ERNAKULAM TOWN NORTH (KASABA) POLICE STATION, CHITTOOR ROAD,
KACHERIPADY, ERNAKULAM - 682018
23. COMMISSIONER OF POLICE, KOCHI CITY
24. EXECUTIVE MAGISTRATE,
PORUMKAL KADAVU ROAD, ERUMELI, KOTTAYAM - 686509

***ADDL.R25 IMPEADED**

25. ***THE EXECUTIVE ENGINEER, MINOR IRRIGATION DEPARTMENT,
PATHANAMTHITTA
*IS SUO MOTU IMPEADED AS ADDL.25TH RESPONDENT AS PER ORDER
DATED 07/11/2025 IN SSCR.NO.29/2025**

***ADDL.R26 TO R32 IMPEADED**

26. **SUBIN T.T.,
THATTADATH HOUSE, ERUMELI P.O., KOTTAYAM DISTRICT, PIN-686509**
27. **SOMARAJAN V.K.,
VAZHIMANGAKATHU VEEDU, ERUMELI P.O., KOTTAYAM DISTRICT,
PIN-686509**
28. **R.JAYARAJAN,
GEETHA BHAVAN, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509**
29. **K.R.SOJI,
KARIMANAKUNNEL, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509**
30. **SHIJO K.S.,
KULANGARA HOUSE, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509**
31. **NIZAR P.A.,
PUTHEN VEEDU, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509**
32. **HAKKIM P.A.,
PATTANI PEEDIKA HOUSE, ERUMELI PO, KOTTAYAM DISTRICT, PIN-686509
*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 26 TO 32 VIDE
ORDER DATED 12.11.2025 IN IA 1/25 IN SSCR.NO.29/2025**

***ADDL.R33 TO R34 IMPEADED**

33. **IDEAL ENTERPRISES,
GROUND FLOOR, XXVII/33, VENDUVAZHY, KOTHAMANGALAM,
ERNAKULAM – 686691**
34. **KERALA ENVIRO INFRASTRUCTURE LIMITED – LABORATORY,
INSIDE FACT-CD CAMPUS, AMBALAMEDU, KOCHI – 682303
*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 33 AND 34
AS PER ORDER DATED 03/12/2025 IN SSCR.NO.29/2025**

***ADDITIONAL R35 TO R37 IMPEADED**

35. CENTRAL DRUGS STANDARD CONTROL ORGANISATION,
REPRESENTED BY THE DRUGS CONTROLLER GENERAL OF INDIA,
FDA BHAVAN, ITO KOTLA ROAD, NEW DELHI – 110002
36. KERALA STATE DRUGS AND FOOD CONTROL ADMINISTRATION,
REPRESENTED BY THE DRUGS CONTROLLER, RED CROSS ROAD,
VANCHIYOOR P.O., THIRUVANANTHAPURAM – 695035
37. KERALA STATE POLLUTION CONTROL BOARD,
DISTRICT OFFICE, PATHANAMTHITTA, REPRESENTED BY
THE ENVIRONMENTAL ENGINEER, OPPOSITE GENERAL HOSPITAL,
K.K. NAIR ROAD, PATHANAMTHITTA DISTRICT
- *ARE SUO MOTU IMPEADED AS ADDITIONAL R35 TO R37 AS PER
ORDER DATED 05.12.2025 IN SSCR 29/2025**

***ADDITIONAL R38 IMPEADED**

38. SRI. P.U ASHRAF
PUTHENPURACKAL COIR MART, MUNDAKAYAM-ERUMELI ROAD,
MUDAKAYAM, ERUMELI, KERALA -686509
- *IS SUO MOTU IMPEADED AS ADDL.38TH RESPONDENT AS PER ORDER
DATED 08/12/2025 IN SSCR.NO.29/2025**

***ADDL.R39 & R40 IMPEADED**

39. THE ENVIRONMENTAL ENGINEER, DISTRICT OFFICE, KOTTAYAM
40. THE CHIEF GOVERNMENT ANALYST,
DRUGS TESTING LABORATORY, RED CROSS ROAD, VANCHIYOOR P.O.,
THIRUVANANTHAPURAM – 695035
- *ARE SUO MOTU IMPEADED AS ADDITIONAL 39TH & 40TH RESPONDENT AS
PER ORDER DATED 17/12/2025 IN SSCR NO.29/2025**

BY SRI.S.RAJMOHAN, SENIOR GOVERNMENT PLEADER

BY SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA

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

BY STANDING COUNSEL FOR COCHIN DEVASWOM BOARD

BY SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD

BY STANDING COUNSEL FOR GURUVAYOOR DEVASWOM MANAGING COMMITTEE

BY SMT.CHITHRA CHANDRASEKHARAN, SC, ERUMELY GRAMA PANCHAYATH

BY SRI.HARIDAS V.N., SC, CHENGANNUR MUNICIPALITY

BY SMT.SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR SABARIMALA

SPECIAL COMMISSIONER

BY SRI.V.PREMCHAND, FOR ADDL.R26 TO R32

BY ADVS.BABU JOSEPH KURUVATHAZHA, ARCHANA K.S. AND

NOEL EALIAS FOR R34

BY DEPUTY SOLICITOR GENERAL OF INDIA FOR ADDL.R35

BY SRI.T.NAVEEN, STANDING COUNSEL FOR KERALA STATE

POLLUTION CONTROL BOARD

SRI.BABU CHERUKARA, ANZAR BASHEER, JAYACHANDRAN R., COUNSEL

FOR R33

**THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ORDERS AGAIN ON 17/12/2025, UPON PERUSING THE REPORT AND THIS COURT'S
ORDER DATED 08/12/2025, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**



**RAJA VIJAYARAGHAVAN V.,
&
K.V. JAYAKUMAR, JJ.**

SSCR No. 29 of 2025

Dated this the 17th day of December, 2025

ORDER

Raja Vijayaraghavan V, J.

Today, when the matter is taken up, a report has been submitted by the Drug Inspector, Kottayam, in compliance with the directions issued by this Court. It is stated therein that inspections were conducted strictly in accordance with the directions so issued. However, no unlabelled or unpacked KumKum was found in any of the retail shops inspected. It is further reported that samples of KumKum were found in a shop by name M/s C.S. Stadium Cool Bar, Tea, Coffee and Stationery, and that during the inspection, approximately 959 packets of synthetic KumKum/colouring substances were found stocked in the said premises for sale. It is stated that the said items were seized in accordance with law and that the seized cosmetics were produced before the jurisdictional Magistrate.

2. We direct the Drug Inspector and the inspection team to remain vigilant and proactive and to ensure that routine and periodic inspections are carried out to identify shop rooms engaged in the sale of synthetic KumKum. The need for continuous monitoring and strict enforcement is reiterated.

3. A counter-affidavit has been filed by the 34th respondent through the Chief Executive Officer of the Kerala Enviro Infrastructure Limited Laboratory, which is the laboratory that issued the report relied on by the 33rd respondent. It is stated therein that only two samples of blue and yellow coloured powder

were tested during the period from 19.11.2025 to 21.11.2025, and that the test report covered only eight parameters.

4. We are of the considered view that the test report issued by the 34th respondent does not pertain to chemical KumKum, the standards for which are specifically prescribed under the Drugs and Cosmetics Act, 1940, the Cosmetic Rules, 2020, BIS Standard IS :10999 and the Bureau of Indian Standards Act, 2016.

5. The learned counsel appearing for the Kerala State Pollution Control Board submits that extensive sale and use of KumKum brought by pilgrims from outside the State are noticed at Erumeli. It is further submitted that the Environmental Engineer, Kottayam, is a necessary party to the proceedings for effective adjudication of the issues involved.

6. In view of the above submission, we suo motu implead the Environmental Engineer, District Office, Kottayam, as additional 39th respondent. The learned Standing Counsel takes notice for the additional respondent. The Environmental Engineer shall interact with the local authority and suggest appropriate remedial and preventive measures.

7. The Drug Inspector has further informed this Court that the seized sample has been forwarded to the Drugs Testing Laboratory, Thiruvananthapuram. It is stated that although the sample was forwarded on 11.12.2025, the test report has not yet been received and that a minimum period of ten days is ordinarily required for obtaining the report. In the circumstances, we suo motu implead the Chief Government Analyst, Drugs

Testing Laboratory, Red Cross Road, Vanchiyoore P.O., Thiruvananthapuram – 695035, as an additional respondent. The Registry is directed to carry out the impleadment forthwith.

8. The learned Government Pleader shall take notice for the additional respondent and obtain specific instructions from the Chief Government Analyst, and inform this Court whether the seized sample satisfies the standards prescribed for chemical KumKum under the Drugs and Cosmetics Act, 1940, the Cosmetic Rules, 2020, Legal Metrology (Packed Commodities) Rules, 2011, Bureau of Indian Standards Act, 2016 and BIS Standard IS:10999.

9. Considering that the festival season is limited to a period of approximately two months, the Chief Government Analyst shall expedite the testing process so that any infringement of statutory provisions, if found, is identified at the earliest and appropriate corrective and enforcement measures are taken without delay.

Post on 09.01.2026.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**

Sd/-

**K.V. JAYAKUMAR,
JUDGE**

APM