

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

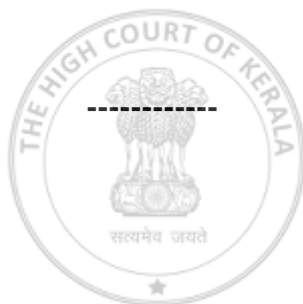
Tuesday, the 26th day of November 2024 / 5th Agrahayana, 1946

SSCR NO. 79 OF 2024

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - SABARIMALA SPECIAL COMMISSIONER
REPORT - SM.NO.79/2024- REPORT REGARDING THE PREPARATIONS AND ACTION PLANS TO BE
MADE BY THE TRAVANCORE DEVASWOM BOARD, THE OTHER DEPARTMENTS OF THE STATE OF
KERALA AND THE KERALA POLICE FOR PROVIDING AMENITIES AND FACILITIES TO THE
SABARIMALA PILGRIMS AND FOR EFFECTIVE CROWD MANAGEMENT FOR THE ENSUING MADALA
MAKARAVILAKKU FESTIVAL 1200 M.E. COMMENCING ON 16/11/2024 - SUO MOTU PROCEEDINGS
INITIATED -REG:

PETITIONER:

SUO MOTU



RESPONDENTS:

1. STATE OF KERALA, REP.BY ITS SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, THIRUVANANTHAPURAM-695001
2. STATE POLICE CHIEF
POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM-695010
3. THE DISTRICT POLICE CHIEF, PATHANAMTHITTA-689645
4. THE DISTRICT COLLECTOR, COLLECTORATE, PATHANAMTHITTA,
KERALA -689645
5. PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
THIRUVANANTHAPURAM-695014

6. DEPUTY DIRECTOR, PERIYAR WEST DIVISION, PEERUMEDU,
IDUKKI -685531
7. KERALA STATE ROAD TRANSPORT CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN,
FORT P.O., THIRUVANNATHAPURAM-695035
8. KERALA WATER AUTHORITY
REPRESENTED BY ITS MANAGING DIRECTOR, JALABHAVAN,
VELLAYAMBALAM-695033
9. DIRECTOR GENERAL, KERALA FIRE & RESCUE SERVICES HEADQUARTERS,
FIRE FORCE JUNCTION, PULIMOODU P.O., THIRUVANANTHAPURAM-695001
10. DEPUTY EXCISE COMMISSIONER
EXCISE DIVISION OFFICE, 1ST FLOOR, DEVASWOM BOARD BUILDING,
PATHANAMTHITTA-689645
11. THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR POST,
THIRUVANANTHAPURAM -695003
12. DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, NANTHANCODE, KAWDIAR POST,
THIRUVANNATHAPURAM-695003
13. THE EXECUTIVE OFFICER
SABARIMALA, PAMPA TRIVENI P.O., PATHANAMTHITTA-689670
14. THE CHIEF POLICE COORDINATOR
(ADDITIONAL DIRECTOR GENERAL OF POLICE (POLICE HEAD QUARTERS)
SANNIDHANAM, SABARIMALA, PATHANAMTHITTA, PIN-689713
*ADDL.R15 TO R17 IMPEADED
15. THE DISTRICT COLLECTOR,
COLLECTORATE, IDUKKI, KUYILIMALA, PAINAV P.O., IDUKKI-685 603
16. THE SUPERINTENDING ENGINEER,
KERALA WATER AUTHORITY, PUBLIC HEALTH CIRCLE, THIRUVALLA,
PATHANAMTHITTA-689 101

17. THE TRANSPORT COMMISSIONER,

KERALA, TRANSPORT COMMISSIONERATE, VAZHUTHACAUD,

THIRUVANANTHAPURAM-695 014

*ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 15 TO 17 VIDE
ORDER DATED 14/11/2024 IN SSCR.NO.79/2024

*ADDL.R18 IMPEADED

18. THE SPECIAL OFFICER (DISTRICT TRANSPORT OFFICER),

KSRTC, PAMBA, PIN – 689 662

*IS SUO MOTU IMPEADED AS ADDITIONAL 18TH RESPONDENT VIDE ORDER
DATED 15/11/2024 IN SSCR.NO.79/2024

BY DEPUTY SOLICITOR GENERAL OF INDIA

BY SRI.S.RAJMOHAN, SENIOR GOVERNMENT PLEADER

BY SRI.NAGARAJ NARAYANAN, SPECIAL GOVT.PLEADER (FOREST)

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

BY SRI.DEEPU THANKAN, SC, KERALA STATE ROAD TRANSPORT
CORPORATION

BY SRI.JOSHY V.V., SC, KERALA WATER AUTHORITY

BY SMT.SAYUJYA RADHAKRISHNAN, AMICUS CURIAE FOR SABARIMALA
SPECIAL COMMISSIONER

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ORDERS AGAIN ON 26/11/2024, UPON PERUSING THE REPORT, AND THIS COURT'S
ORDERS DATED 25/11/2024, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

ANIL K. NARENDRAN & MURALEE KRISHNA S., JJ.

SSCR No.79 of 2024

Dated this the 26th day of November, 2024

ORDER

Anil K. Narendran, J.

The learned Senior Government Pleader, on instructions from the 14th respondent Chief Police Co-ordinator, Sabarimala, would submit that yesterday (25.11.2024), the total footfall at Sabarimala was 81,870. From 3.00 p.m. to 5.00 p.m. and 7.00 p.m. to 8.00 p.m., the tail end of the queue reached Saramkuthi. Today (26.11.2024), 27697 pilgrims had darshan by 9.00 a.m. and the tail end of the queue is up to U-turn. Crowd management is under control at Sannidhanam, Pamba and Nilakkal.

2. In the order dated 14.11.2024, regarding the fixation of price of food items in the eateries, this Court issued directions in paragraph 8.3 of that order, which reads thus;

"8.3. Having considered the submissions made at the Bar, we deem it appropriate to direct all concerned to ensure strict compliance of the notification issued by the 4th respondent District Collector, Pathanamthitta fixing the prices of food stuff in the eateries Pathanamthitta district, including hotels, light refreshment stalls, etc. at Sabarimala, Pamba and Nilakkal, opened during Mandala-Makaravilakku festival season of 1200ME (2024-25), on the strength of the permission/licence granted by the Travancore Devaswom Board. Taking into account the fact

that a large number of pilgrims from North India and neighbouring States of Tamil Nadu, Karnataka and Andhra Pradesh visit Sabarimala during every pilgrimage season, the District Administration/Enforcement Officers exercising the powers under the Kerala Food Stuffs (Display of Prices by Catering Establishments) Order, 1977 shall insist on display of price list of food stuffs in all eateries in Sabarimala, Pamba and Nilakkal in English, Hindi, Kannada and Telugu, in addition to Malayalam. The Enforcement Wing of the Food Safety Department shall conduct periodical inspections at the eateries during Mandala-Makaravilakku festival season of 1200ME (2024-25). The officers in the Vigilance Wing of the Travancore Devaswom Board and the Executive Magistrates at Sannidhanam, Pamba and Nilakkal and also the Executive Magistrate in the office of the Special Commissioner, Sabarimala shall conduct regular inspections in all eateries to ensure that the pilgrims are not being exploited by the traders by collecting excess price for food stuffs."

3. In the order dated 25.11.2024, this Court noted the activities of the Special Squad under the Duty Magistrates at Sannidhanam, Pamba and Nilakkal. Based on the inspection by Special Squad, fine was levied from two hotels for stocking date expired Vanaspati (Dalda), Garam Masala, etc.

4. On a query made by this Court, the learned Standing Counsel for Travancore Devaswom Board would submit that the price of tender coconut fixed as per the aforesaid notification of the District Collector is Rs.40/- per tender coconut.

5. Having considered the submissions made at the Bar, we deem it appropriate to direct the Duty Magistrates at Nilakkal, Pamba and Sannidhanam and also the officers in the Vigilance Wing of the Travancore Devaswom Board headed by the Chief Vigilance and Security Officer (Superintendent of Police) to take necessary steps to ensure that excess amount is not being collected by any Kuthaka holder from the pilgrims, in excess of the price fixed as per the notification issued by the 4th respondent District Collector, Pathanamthitta. In case any such instances are noticed, strict action shall be taken against the Kuthaka holder. The matter shall be reported to the Executive Officer forthwith, so as to enable the Board to take stringent action against the Kuthaka holder, as per tender conditions. Such instances shall also be brought to the notice of this Court, through the Special Commissioner, Sabarimala.

6. Kuthaka rights for various items at Nilakkal, Pamba and Sannidhanam and also on the side of the trekking path from Pamba to Nilakkal are auctioned in terms of the tender notification issued by the Devaswom Commissioner, for the year 1200ME (2024-25). The respective Kuthaka holders can conduct sale only within the identified area and they cannot have any activities whatsoever in the open space outside the allotted area. All workers engaged by the Kuthaka holders, who are issued with health cards issued by

the District Medical Officer (Health), Pathanamthitta and police clearance certificate from the office of the Superintendent of Police, Pathanamthitta, shall wear their identity cards. No workers without wearing identity cards shall be permitted to be employed in any stalls at Nilakkal, Pamba and Sannidhanam and also on the side of the trekking path from Pamba to Sannidhanam. Duty Magistrates and also the officers in the Vigilance Wing of the Travancore Devaswom Board, headed by the Chief Vigilance and Security Officer (Superintendent of Police), shall ensure strict compliance of the above directions.

7. The learned Standing Counsel for Travancore Devaswom Board, on instructions from the Executive Officer, Sabarimala, would submit that, despite boards being displayed at Sabarimala Sannidhanam that use of mobile phones and photography are strictly prohibited at Thirumuttam and near the Sreekovil, pilgrims are using mobile phones for recording videos, at Thirumuttam and near Sreekovil.

8. Sabarimala and its vicinity are a Special Security Zone in terms of the notification issued by the State Government, invoking its powers under Sections 83(1) and (2) of the Kerala Police Act, 2011.

9. Having considered the submissions made at the Bar,

we deem it appropriate to direct the Executive Officer, Sabarimala to file a report before this Court regarding the aforesaid aspect.

10. The learned Senior Government Pleader, on instructions from the Chief Police Co-ordinator, Sabarimala, would submit that security will be tightened at Sabarimala with effect from 01.12.2024 till 06.12.2024.

11. Having considered the submissions made by the learned Senior Government Pleader, we deem it appropriate to direct the 14th respondent Chief Police Co-ordinator, Sabarimala to submit a report on the above aspect, in a sealed cover.

List tomorrow (27.11.2024), for further consideration.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE