

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

THURSDAY, THE 25TH DAY OF NOVEMBER 2021 / 4TH

AGRAHAYANA, 1943

DBP NO. 26 OF 2021

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD -

TDB PROCEEDINGS INITIATED - REG.

PETITIONER:

SUO MOTU

RESPONDENTS:

- 1 TRAVANCORE DEVASWOM BOARD
NANTHANCODE, KAWDIAR POST, THIRUVANANTHAPURAM
- 695003 REPRESENTED BY ITS SECRETARY.
- 2 STATION HOUSE OFFICER,
SANNIDHANAM POLICE STATION, SABARIMALA
SANNIDHANAM, PATHANAMTHITTA - 689713
- 3 STATION HOUSE OFFICER
PAMPA POLICE STATION, THRIVENI-PAMPA,
PATHANAMTHITTA - 689662
- *4 ADDL.R4: THE CHIEF VIGILANCE SECURITY OFFICER
(SUPERINTENDENT OF POLICE-VIGILANCE)
TRAVANCORE DEVASWOM HEAD QUARTERS,
NANTHANCODE, KOWDIAR POST,
THIRUVANANTHAPURAM-695003

*IS IMPEADED VIDE ORDER DATED 23.11.2021
BY ADVS.
SHRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD
GOVERNMENT PLEADER

SRI S RAJMOHAN- SR GOVERNMENT PLEADER

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR
ADMISSION ON 25.11.2021, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

ORDER

Anil K. Narendran, J

This DBP was suo motu registered based on the news items and video clipping appeared in social media regarding transportation of pilgrims in tractors, which are used for transporting goods to Sannidhanam. On 10.11.2021, when this DBP came up for consideration, the learned Senior Government Pleader, on instructions from the Station House Officer, Pamba submitted that regarding the incident referred to in the news item, a crime has already been registered on 09.11.2021 as Crime No.110 of 2021 of Pamba Police Station, for offences punishable under Sections 279 and 188 of the Indian Penal Code, 1860 and under Sections 66(1) and Section 192A of the Motor Vehicles Act, 1988.

2. The learned Standing Counsel for Travancore Devaswom Board submitted that regarding the incident referred to in the news item, the Board has already ordered enquiry by the Chief Vigilance Security Officer (Superintendent of Police-Vigilance) Travancore Devaswom Board.

3. The learned Senior Government Pleader and also the learned Standing Counsel for Travancore Devaswom Board sought

time to file statement on behalf of respondents 1 and 3. While ordering the DBP to be listed on 16.11.2021, this Court ordered that, in the meantime, the respondents 2 and 3 shall take necessary steps to ensure strict compliance of the prohibition contained in the order of this Court dated 13.10.2014 in SSCR No.7 of 2014 in transporting devotees, officials etc. in the tractors used for carrying goods, through the trekking path.”

4. On 16.11.2021, when this DBP came up for consideration, the learned Senior Government Pleader submitted that strict instructions have already been issued to the police personnel to ensure that the tractors used for transportation of goods to Sannidhanam are not being used as a mode of transportation of devotees, devaswom officials, etc. through the trekking path. In case any such violations are noticed, officers have been instructed to seize the vehicle in question and initiate appropriate proceedings against its RC owner and driver.

5. On 23.11.2021, the Chief Vigilance Security Officer (Superintendent of Police-Vigilance) was suo motu impleaded as additional 4th respondent. The learned Standing Counsel for Travancore Devaswom Board has filed a statement on behalf of the 1st respondent, along with the report of the Chief Vigilance Security

Officer, regarding the incident happened on 03.11.2021.

6. Heard the learned Standing Counsel for Travancore Devaswom Board for respondents 1 and 4 and also the learned Senior Government Pleader for respondents 2 and 3.

7. Movement of such tractors through the trekking path, in a rash and negligent manner, causes threat to the safety of the devotees. At any rate, the tractors used for transportation of goods to Sabarimala, cannot be used as a mode of transportation of devotees through the trekking path.

8. This Court by the order dated 13.10.2014 in SSCR No.7 of 2014 opined that carrying of passengers on tractors plying on Swamy Ayyappan Road should be prohibited. Accordingly, this Court directed the Superintendent of Police, Pathanamthitta, to issue appropriate instructions to the Police personnel deputed for duty on Swamy Ayyappan Road to ensure that passengers, including officials, of the Travancore Devaswom Board, officials of various Government Departments and Police personnel, do not travel on tractors plying on Swamy Ayyappan Road.

9. As evident from the video clipping annexed to this DBP, flouting the orders of this Court dated 13.10.2014 in SSCR No.7 of 2014, tractors used for transporting goods to Sannidhanam are being

used for transportation of devotees, through the trekking path.

10. From the statement filed by the learned Standing Counsel dated 23.11.2021, and also the report of the Chief Vigilance and Security Officer, enclosed therewith as Annexure R1(a), it is seen that the tractors were being used for transportation of devotees through trekking path. When such incidents were noticed, action has already been taken.

11. During the course of arguments, the learned Senior Government Pleader submitted that strict instructions have already been issued to the police personnel to ensure that the tractors are not being used as a mode of transportation of devotees or any other persons including Devaswom Officials and Police personnel, through the trekking path.

12. The learned Standing Counsel for Travancore Devaswom Board would point out that the incident that occurred yesterday evening, when some head load workers insisted that they should be permitted to travel in those tractors to Sannidhanam.

13. The order of this Court prohibiting the movement of devotees, Devaswom Officials, Police personnel etc. in tractors used for transportation of goods through trekking path has to be implemented by all, in letter and spirit. Such tractors cannot be used

for transportation of devotees or any other person. In case any violation or obstruction from any corner, it should be reported to the Chief Vigilance Security Officer and also to the Special Commissioner, who shall bring it to the notice of this Court, if further orders are required.

Since the entire trekking path from Pamba to Sannidhanam is having CCTV coverage, with control panel at Pamba, the officers in charge of the control panels should report any transportation of devotees or any other person in the tractors used for transportation of goods to Sannidhanam, that should be forthwith intimated to the officers concerned for taking stringent actions against those persons.

With the above directions, this DBP is closed.

Sd/-
ANIL K.NARENDRA
JUDGE

Sd/-
P.G. AJITHKUMAR
JUDGE