

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K. NARENDRA

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 30TH DAY OF JUNE 2023 / 9TH ASHADHA, 1945

SSCR NO.13 OF 2023

(SABARIMALA SPECIAL COMMISSIONER REPORT- SM NO.13/2023 -
REPORT REGARDING THE REPAIR AND MAINTENANCE OF THE
MUDRAMALA JAPAMALA AND YOGA DANDU ADORNING THE IDOL OF LORD
SREE DHARMASASTHA (LORD AYYAPPA) IN SABARIMALA SREE
DHARMASASTHA TEMPLE IN 17-05-2023 AND FORWARDING OF REPORT
OF THIRUVABHARNAM COMMISSIONER OF TRAVANCORE DEVASWOM BOARD
REGARDING THE SAME - SUO MOTU PROCEEDINGS.)

PETITIONER/S:

SUO MOTU

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695
001
- 2 DEPUTY DIRECTOR
LOCAL FUND AUDIT, TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM - 695 003
- 3 THE TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR
POST, THIRUVANANTHAPURAM - 695 003
- 4 THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, DEVASWOM BUILDINGS,
NANTHANCODE, THIRUVANANTHAPURAM- 695 005

- 5 THE EXECUTIVE OFFICER
SABARIMALA, TRAVANCORE DEVASWOM BOARD,
NANTHANCODE, THIRUVANANTHAPURAM - 695 003
- 6 THIRUVABHARANAM COMMISSIONER
THIRUVABHARANM OFFICE, ARANIMULA, PATHANAMTHITTA -
689 533
- BY ADV Biju

OTHER PRESENT:

SRI S.RAJMOHAN- SR GOVERNMENT PLEADER ; SRI
G.BIJU-STANDING COUNSEL-TRAVANCORE DEVASWOM
BOARD ; SRI N.RAGHURAJ - AMICUS CURIAE FOR
SABARIMALA SPL COMMISSIONER

THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING
COME UP FOR ADMISSION ON 30.06.2023, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

ORDER**Anil K. Narendran, J.**

This report filed by the Special Commissioner, Sabarimala is regarding the repair of Mudramala, Japamala and Yoga Dandu adorning the idol of Lord Ayyappa of Sabarimala Sree Dharmasastha Temple. As per the report, the repair was undertaken on 17.05.2023, based on a Board order dated 02.05.2023. The document marked as Annexure 1 in this SSCR is a report dated 17.05.2023 of the 6th respondent Thiruvabharanam Commissioner regarding the repair proposed to be conducted on 17.05.2023. Reference No.2 in Annexure 1 report is a telephonic instruction by the Special Commissioner, Sabarimala on 17.05.2023.

2. On 22.05.2023, when this report came up for consideration, this Court directed the learned Standing Counsel for Travancore Devaswom Board to make available for the perusal of this Court the files relating to the Board order dated 02.05.2023 and also Annexure 1 report of the Thiruvabharanam Commissioner dated 17.05.2023.

3. On 26.05.2023, the learned Standing Counsel made available for the perusal of this Court the files relating to the

Board order dated 02.05.2023 and also Annexure 1 report of the Thiruvabharanam Commissioner dated 17.05.2023. After perusing the files, this Court directed the 6th respondent Thiruvabharanam Commissioner to file an affidavit, within three weeks, explaining the facts and circumstances.

4. An affidavit dated 26.06.2023 on behalf of the 3rd respondent Travancore Devaswom Board is placed on record, wherein it is stated that the Melsanthi of Sabarimala Devaswom reported to the Administrative Officer, Sabarimala the minor damages sustained to Mudramala and Japamala due to aging, which are being adorned to the deity at the time of placing the deity in Yoga Nidra and requested to rectify the same. The Administrative Officer submitted a report dated 16.03.2023 to the Executive Officer, Sabarimala. Based on that report, the Executive Officer submitted a report dated 17.03.2023 to the Devaswom Commissioner. Based on the report dated 22.03.2023 of the Devaswom Commissioner, the Board as per order dated 31.03.2023 authorised the Thiruvabharanam Commissioner to do necessary repair works for rectifying the damages sustained to Mudramala and Japamala. In paragraphs 4 to 8 of the affidavit, the Board has stated the procedure adopted for repairing

Mudramala, Japamala and Yoga Dandu.

5. In the affidavit, it is stated that after obtaining permission from the Board, the Thiruvabharanam Commissioner gave notice to the Executive Officer, Sabarimala informing that the repair works are proposed to be made on 16.05.2023 and requiring him to make necessary arrangements. The Special Commissioner, Sabarimala, was also informed over the telephone for information. Paragraphs 7 to 9 of the affidavit read thus;

"7. It is submitted that after obtaining permission from the Board, the Thiruvabharanam Commissioner gave notice to the Executive Officer, Sabarimala informing that the repair works are proposed to be made on 16.05.2023 and requiring him to make necessary arrangements. The Special Commissioner, Sabarimala was also informed over telephone for information. Accordingly, the Thiruvabharanam Commissioner, Office Clerk and departmental Smith reached Sannidhanam on 16.05.2023. The damaged Mudramala, Japamala and Yogadandu were taken out from the Sreekovil by the Melsanthi with the permission of the Tantri after the Ucha pooja and brought to the Board room adjacent to the Executive Office and the repairs were carried out by the Smith in the presence of Thiruvabharanam Commissioner, Executive Officer, Assistant Executive Officer, Administrative Officer, Sub Inspector, Devaswom Vigilance and the Accountant.

8. The Japamala was repaired replacing three rudraksha beads and fixed using 1.410 grams of gold. The Mudramala

was repaired replacing seven rudraksha beads and fixed using 0.520 grams of gold. The making loss of gold is 0.070 gram. The Yoga dandu also was repaired by polishing and fixing the top and bottom caps and the golden rings were fixed using copper nails. After effecting the repairs the Mudramala, Japamala and Yogadandu were handed over to the Melsanthi in the presence of the Administrative Officer explaining the repairs effected and the same were taken to the Sreekovil. The above items were included in the Thiruvabharanam register also. A running mahazar was prepared narrating the entire activities undertaken for the repair.

9. It is submitted that the Board gave permission to effect repairs on the Mudramala, Japamala and Yogadandu as per the request of the Melsanthi and after being convinced of the damages sustained to the ornaments on inspection by the Thiruvabharanam Commissioner. The permission in writing from the Tantri also was obtained. The entire activities are done in fool proof manner in the presence of the Thiruvabharanam Commissioner, Executive Officer, Vigilance officials and other officials of the Board and preparing a mahazar."

6. Heard the learned Senior Government Pleader for respondents 1 and 2, the learned Standing Counsel for Travancore Devaswom Board for respondents 3 to 6 and also the learned *Amicus curie* for Special Commissioner, Sabarimala.

7. The averments in the affidavit filed on behalf of the 3rd respondent Travancore Devaswom Board would show that the

Melsanthi of Sabarimala Devaswom reported to the Administrative Officer, Sabarimala certain damages sustained to Mudramala and Japamala adorning the idol of Lord Ayyappa and the necessity to rectify the same. Mudramala and Japamala are being adorned at the time of placing the deity in Yoga Nidra after the completion of poojas at the end of each maasa pooja and other special occasions while closing thirunada. The Administrative Officer, Sabarimala submitted a report dated 16.03.2023 to the 5th respondent Executive Officer, Sabarimala, who in turn submitted a report dated 17.03.2023 before the 4th respondent Devaswom Commissioner, requesting to repair the Mudramala and Japamala under the supervision of the 6th respondent Thiruvabharam Commissioner. The Devaswom Commissioner submitted a report dated 22.03.2023 before the Board, based on which the Board issued order dated 31.03.2023, whereby the 6th respondent Thiruvabharanam Commissioner was authorized to do necessary repair works for rectifying the damages sustained to Mudramala and Japamala. The Thiruvabharanam Commissioner reached Sannidhanam on 13.04.2023 to examine the ornaments, in the presence of the department smith. On 13.04.2023, after ucha pooja Mudramala,

Japamala and Yoga Dandu were taken out of Sreekovil by Melsanthi and Keezhsanthi, after obtaining permission from the Tantri and it was examined and a mahazar was prepared noting the defects. Thereafter, the ornaments were returned to Melsanthi. The department smith submitted an estimate dated 17.04.2023 to the Thiruvabharanam Commissioner for the repair of Mudramala, Japamala and Yoga Dandu and a devotee by name, Manoj Gangadharan Nair, agreed to offer 2 gms. of gold required for rectification of the damages and also the repair charges. The Thiruvabharanam Commissioner submitted a report dated 19.04.2023 before the Board and sought permission for effecting repairs during the maasa pooja of Edavam. Based on that report, the Board by proceedings dated 02.05.2023 gave permission to Thiruvabharanam Commissioner to execute the repair work in the presence of the Executive Officer and Administrative Officer of Sabarimala after obtaining permission from the Tantri in writing and utilising the gold offered by the devotee by name, Manoj Gangadharan Nair. The Board has also authorised the Executive Officer to include the above ornaments in the Thiruvabharanam register in the presence of Thiruvabharanam Commissioner while effecting repairs. After

obtaining permission from the Board Thiruvabharanam Commissioner gave notice to the Executive Officer informing that repair works are proposed to be made on 16.05.2023 and he was required to make necessary arrangements.

8. The averments in the affidavit dated 26.06.2023 would show that the Special Commissioner, Sabarimala was never informed about the inspection conducted on 13.04.2023 after taking Mudramala, Japamala and Yoga Dandu out of Sreekovil. After the said inspection the department smith submitted an estimate dated 17.04.2023 for repair of Mudramala, Japamala and Yoga Dandu and a devotee by name, Manoj Gangadharan Nair, agreed to offer 2 gms. of gold required for rectification of damages and repair charges. Thereafter, Thiruvabharanam Commissioner reached Sannidhanam on 16.05.2023. The damaged Mudramala, Japamala and Yoga Dandu, which were taken out from the Sreekovil by the Melsanthi with the permission of the Tantri after ucha pooja, were brought to the Board room adjacent to the Office of the Executive Officer, where the repair works were carried out, in the presence of Thiruvabharanam Commissioner and others. In the affidavit, it is stated that Japamala was repaired replacing three

rudraksha beads which were fixed using 1.410 gms. of gold. Mudramala was repaired replacing 7 rudraksha beads, which were fixed using 0.520 gms. of gold. The 'making loss' of gold is 0.070 gms. Yoga Dandu was repaired by polishing and fixing the top and bottom caps and the golden rings were fixed using copper nails. After effecting the repairs, Mudramala, Japamala and Yoga Dandu were handed over to Melsanthi, in the presence of the Administrative Officer, explaining the repairs effected, and the same were taken into the Sreekovil. The above items were included in the Thiruvabharana register and a running mahazar was prepared narrating the entire activities undertaken for repair.

9. The averments in paragraph 2 of this SSCR would make it explicitly clear that Thiruvabharanam Commissioner informed the Special Commissioner, Sabarimala on 17.05.2023 over telephone that the rectification work of Mudramala, Japamala and Yoga Dandu adorning the idol of Lord Ayyappa were being carried on that day, in the presence of Thiruvabharanam Commissioner, the officials of the Travancore Devaswom Board, including the Vigilance Wing of the Board. Along with this SSCR, the Special Commissioner has annexed Annexure 1 report dated 17.05.2023 of Thiruvabharanam

Commissioner, wherein it is stated that the repair of Mudramala, Japamala and Yoga Dandu has already been carried out. In Annexure 1 report Thiruvabharanam Commissioner has referred to a telephonic instruction by the Special Commissioner, Sabarimala on 17.05.2023. As already noticed hereinbefore, the repair work of Mudramala, Japamala and Yoga Dandu were carried out on 16.05.2023, without any intimation whatsoever to the Special Commissioner, Sabarimala.

10. The stand taken in the affidavit dated 26.06.2023 filed on behalf of the 3rd respondent Board is that based on the request made by Melsanthi and after being convinced of the damages sustained to the ornaments on inspection by Thiruvabharanam Commissioner, the Board gave permission to effect repairs on Mudramala, Japamala and Yoga Dandu adorning the idol of Lord Ayyappa. Permission in writing was also obtained from the Tantri and the entire activities were done in a foolproof manner in the presence of Thiruvabharanam Commissioner.

11. Having considered the pleadings and materials on record and also the submissions made by the learned Senior Government Pleader and also the learned Standing Counsel for Travancore Devaswom Board, we find that the procedure

adopted by the Board for effecting the repair of Mudramala, Japamala and Yoga Dandu adorning the idol of Lord Ayyappa, after taking out the same from Sreekovil, without intimating the Special Commissioner, Sabarimala, is highly inappropriate. The averments in the affidavit would show that Mudramala, Japamala and Yoga Dandu taken out from the Sreekovil with the permission of the Tantri were brought to the Board room adjacent to the office of the Executive Officer, where the repair works were carried out in the presence of Thiruvabharanam Commissioner, utilizing the gold offered by a devotee by name Manoj Gangadharan Nair. The Japamala was repaired replacing three rudraksha beads, which were fixed using 1.410 grams of gold and the Mudramala was repaired replacing 7 rudraksha beads, which were fixed using 0.52 grams of gold. Yoga Dandu was repaired by polishing and fixing the top and bottom caps and the golden rings were fixed using copper nails. Though Annexure 1 report dated 17.05.2023 of the Thiruvabharanam Commissioner refers to a telephonic instruction by the Special Commissioner, Sabarimala on 17.05.2023, the repair works were carried out on 16.05.2023, without any intimation to the Special Commissioner, Sabarimala.

In such circumstances, this DBP is disposed of by directing the 3rd respondent Travancore Devaswom Board, the 2nd respondent Devaswom Commissioner and also the 6th respondent Thiruvabharanam Commissioner to ensure that such activities in the Sreekovil of Sabarimala Sree Dharma Sastha Temple are undertaking hereafter only with prior intimation, well in advance, to the Special Commissioner, Sabarimala, so as to enable him to file report before this Court, if found necessary, seeking appropriate orders.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

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