

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V
&
THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

Thursday, the 7th day of August 2025 / 16th Sravana, 1947

SSCR NO. 19 OF 2025

**IN THE MATTER OF TRAVANCORE DEVASWOM BOARD-SABARIMALA SPECIAL COMMISSIONER
REPORT-S.M.NO.19/2025- MONTHLY REPORT SUBMITTED BY THE SPECIAL COMMISSIONER,
SABARIMALA REGARDING THE VARIOUS ACTIVITIES UNDERTAKEN DURING KARKKIDAKAM MASA
POOJA FROM 17.07.2025 TO 21.07.2025(1200ME KARKKIDAKAM MASAM) AT SABARIMALA SREE
DHARMA SASTHA TEMPLE - SUO MOTU PROCEEDINGS INITIATED - REG**

PETITIONER:

SUO MOTU

RESPONDENT:

1. **STATE OF KERALA**
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001
2. **THE TRAVANCORE DEVASWOM BOARD**
REPRESENTED BY ITS SECRETARY, NANTHANCOD,
KAWDIAR POST, THIRUVANANTHAPURAM - 695003
3. **THE DEVASWOM COMMISSIONER**
TRAVANCORE DEVASWOM BOARD,
DEVASWOM BUILDING, NANTHANCOD, THIRUVANANTHAPURAM - 695003
4. **EXECUTIVE OFFICER**
SABARIMALA, SABARIMALA P.O.,
PATHANAMTHITTA -689662
5. **CHIEF VIGILANCE & SECURITY OFFICER (SUPERINTENDENT OF POLICE)**
TRAVANCORE DEVASWOM HEADQUARTERS, NANTHANCOD,
KAWDIAR POST, THIRUVANANTHAPURAM - 695003

**6. CHIEF POLICE COORDINATOR (ADDITIONAL DIRECTOR GENERAL OF POLICE)
POLICE HEADQUARTERS, SABARIMALA,
PATHANAMTHITTA - 689713**

BY SRI.S.RAJMOHAN, SR.GOVERNMENT PLEADER

BY STANDING COUNSEL FOR TRAVANCORE DEVASWOM BOARD

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

**THIS SABARIMALA SPECIAL COMMISSIONER REPORT HAVING COME UP FOR
ORDERS AGAIN ON 07.08.2025, UPON PERUSING THE REPORT AND THIS COURT'S
ORDER DATED 06.08.2025, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**



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

SSCR No. 19 of 2025

Dated this the 7th day of August, 2025

ORDER

Raja Vijayaraghavan V, J.

This order shall be read in continuation of the order dated 06.08.2025.

2. By the above order, we had directed the learned Standing counsel appearing for the Board to state before us the details of the work relating to the construction of a pond, including the quantum of earth to be removed, the area, the terms of the contract stipulating the time of completion of the work etc.

3. Today, when the matter was taken up, the learned Standing Counsel appearing for the Board handed over the sketch prepared by Sri. Rajesh M.R., the Architect attached to the "Temple Arc", a private concern and also a sectional view of the proposed new pond on the north-eastern side of the temple.

4. We find from the sketch made available before us that the total length of the pond proposed to be constructed is about 21 metres, and the width is 15.66 metres. A partition rail is proposed to be constructed on all sides as per the sketch. A clarifier and filter chamber is proposed to be put up on the south-western side, and a high-mast light on the southern side. The sketch shows that the maximum water level would be about 4 feet or 120 cm, and the total depth would be about 7 feet.

5. A letter issued by the Contractor to the Assistant Engineer has been placed before us to indicate that the proposed work can be completed before the onset of the season in mid-November 2025. It is stated therein that although the Contractor and the Architect had initially agreed to enter into a formal contract, the Architect has since withdrawn from the arrangement. The Contractor further asserts that he has entered into an oral arrangement with the sponsor and anticipates that a formal agreement will be executed on 11.08.2025.

6. The Assistant Engineer, Section-1, Sabarimala Devaswom Project, was present. He submitted that the proposed volume of earth to be excavated is approximately 330 m³. Upon our query regarding the availability of structural drawings and whether any geotechnical study or assessment of the soil bearing capacity was conducted prior to initiating the construction of the proposed pond, the Assistant Engineer stated that the Department has adopted the steel specifications from a recently constructed water tank of a comparatively larger dimension.

7. From the records placed before us and the interaction held with the Assistant Engineer in charge of the construction, it is evident that no structural drawings have been prepared prior to the commencement of the work. Considering that the proposed pond is to be constructed at Sannidhanam, adjacent to the temple premises, it was imperative that a geotechnical study or a soil bearing capacity assessment be undertaken before initiating any structural activity. It is well recognised that in mountainous and forested regions, subsurface conditions may vary considerably owing to factors such as loose fill, rocky substrata, or weak soil

layers, each of which can significantly impact foundation design and long-term structural stability. Given that lakhs of pilgrims are expected to use the pond over time, and a substantial number may do so concurrently, the resulting live load, dynamic water displacement, and lateral earth pressure on retaining walls must be adequately accounted for. In the absence of a proper structural assessment, there exists a substantial risk of structural failure, including collapse, cracking, or seepage.

8. We are of the considered view that, if the construction of a new bathing pond is deemed essential, it must not proceed without a comprehensive design prepared by a duly licensed Structural Engineer. Such a design must include structural drawings with bar bending schedules, consideration of hydrostatic pressure, live load allowances for large congregations, temperature and shrinkage reinforcement details to prevent cracking, and appropriate seepage control measures. Commencing construction without detailed structural engineering inputs poses a grave threat to public safety. The reuse of a water tank design, without regard to the distinct functional and structural requirements of a bathing pond, is wholly inappropriate. A robust engineering protocol, commencing with soil investigation and culminating in detailed structural and waterproofing design, is non-negotiable for a public utility project of this nature that anticipates high footfall.

9. In view of the foregoing, we direct the respondents to refrain from proceeding with the construction of the proposed pond until further orders.

10. It is hereby made clear that the construction of the new pond shall commence only upon the Board placing before this Court:

- (i) the structural drawing of the pond prepared and certified by a licensed Structural Engineer, and
- (ii) evidence of all pre-construction investigations as detailed in paragraph 8 above.

Post on 20.08.2025.



Sd/-
**RAJA VIJAYARAGHAVAN V,
JUDGE**

Sd/-
**K.V. JAYAKUMAR,
JUDGE**

msh