

**A Devotee vs the Travancore Devaswom Board**

**A Devotee vs the Travancore Devaswom Board**

**SooperKanoon Citation :** [sooperkanoon.com/1277930](http://sooperkanoon.com/1277930)

**Court :** Kerala

**Decided On :** Feb-25-2025

**Judge :** Honourable Mr. Justice Anil K.Narendran,Honourable Mr. Justice P.M.Manoj

**Appeal No. :** DBP/16/2025

**Appellant :** A Devotee

**Respondent :** The Travancore Devaswom Board

**Judgement :**

2025:KER:16166

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN & THE HONOURABLE MR. JUSTICE P.M. MANOJ TUESDAY, THE 25TH DAY OF FEBRUARY 2025 / 6TH PHALGUNA, 1946 DBP NO. 16 OF 2025 IN THE MATTER OF TRAVANCORE DEVASWOM BOARD- REPORT NO. BELONGING TO KAVIYOOR MAHADEVA TEMPLE- AUCTION OF LAND FOR THE

PURPOSE OF CONSTRUCTION OF STALLS IN CONNECTION WITH THE FESTIVAL- SUO MOTU PROCEEDINGS INITIATED- REG

PETITIONER: A DEVOTEE RESPONDENTS: 1 THE TRAVANCORE DEVASWOM BOARD REPRESENTED BY ITS SECRETARY, NANTHANCODE, KAWDIAR P.O. THIRUVANANTHAPURAM 695003 2 THE DEVASWOM COMMISSIONER TRAVANCORE DEVASWOM BOARD, NANTHANCODE, KAWDIAR P.O, THIRUVANANTHAPURAM 695003 \*ADDL.R3 THE STATE OF KERALA, REPRESENTED BY THE SPECIAL SECRETARY TO GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001

DBP No.16 of 2025 2 2025:KER:16166 \*ADDL.R4 THE SENIOR DEPUTY DIRECTOR, KERALA STATE AUDIT DEPARTMENT, TRAVANCORE DEVASWOM BOARD AUDIT, NANTHANCODE, THIRUVANANTHAPURAM-695 003 \*ADDL.R5 THE CHIEF VIGILANCE AND SECURITY OFFICER (SUPERINTENDENT OF POLICE), TRAVANCORE DEVASWOM BOARD, NANTHANCODE, KAWDIAR P.O., THIRUVANANTHAPURAM-695 003

ADDL.R3 TO R5 ARE SUO MOTU IMPEADED AS ADDITIONAL RESPONDENTS 3 TO 5. SRI. S. RAJMOHAN, SR. GP; SRI. G. SANTHOSH KUMAR, SC, TDB, SRI. P. RAMAMCHANDRAN, AMICUS CURIAE THIS DEVASWOM BOARD PETITION HAVING COME UP FOR ADMISSION ON 25.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: DBP No.16 of 2025 3 2025:KER:16166

## **ORDER**

**Anil K. Narendran, J.**

This DBP is registered based on Report No.9 of 2025 of the learned Ombudsman in Complaint No.276 of 2024, which is made by a devotee of Kaviyoor Mahadeva Temple, without disclosing his name, in which it is alleged that the land belonging to Kaviyoor Mahadeva Temple, which is under the management of the Travancore Devaswom Board, is being auctioned for the purpose of putting up stalls in connection with festivals and in those auctions the usual practice is that the auction will be confirmed in the name of a benami of the Temple Advisory

Committee, for a meagre amount, and thereafter that person will permit the traders to occupy that place after collecting more amount.

2. In the complaint, it is pointed out that such a practice is

**in violation of the directions issued by this Court in the judgment**

dated 19.03.2015 in W.P.(C) No.3206 of 2014. Steps are being taken to auction the land in connection with the annual festival of the temple scheduled to be held on 12.01.2025. Therefore, a request DBP No.16 of 2025 4 2025:KER:16166 was made before the learned Ombudsman to direct the temple authorities to act in terms of the directions contained in the aforesaid judgment. Paragraph Nos.2 and 3 of the report dated 22.01.2025 of the learned Ombudsman in the aforesaid complaint read thus;

2. A report was called for from the Devaswom Commissioner and the Devaswom Commissioner has filed report dated 07.01.2025 wherein it was mentioned that the entire land has already been auctioned and obtained an amount of Rs 1,10,450/-. The suggestion given by the complainant can be considered for conducting auction for the coming year by giving direction to the Maramath Wing to measure the land and make plots so that each plot can be independently auctioned by the Board. Copy of the report of the Devaswom Commissioner is produced as Annexure 02. Copy of the auction proceedings produced by the Liaison Officer at the time of hearing is produced as Annexure O3.

3. Though this complaint was posted for filing

replication, no replication has been filed as this is an anonymous complaint. However, the suggestion given by the complainant appears to be appreciable and appears to be good and if it is implemented there will be every possibility of getting more amount for the Devaswom and that will be beneficial for the Devaswom as well. So, under such circumstances, Ombudsman feel that it will be proper that the matter be

referred to the Honourable High Court to give necessary direction in this regard to the Devaswom not only in respect of this property but a general direction to both Devaswom Boards in respect of conduct of auction for temporary stalls during festival season in the temple lands and it

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3. We heard the learned Standing Counsel for Travancore Devaswom Board, the learned Senior Government Pleader and also the learned Amicus Curiae for the learned Ombudsman.

4. The issue raised in the complaint filed before the learned

Ombudsman is covered by the judgment of this Court in Sreekumar V. v. Travancore Devaswom Board and others [2015 (2) KHC 714]. Paragraphs 4 and 5 and also paragraphs 8 to 13 of that

### **judgment read thus;**

4. The report filed by the Honourable Ombudsman also discloses various irregularities in the public auction conducted during the previous festival season. The Honourable Ombudsman has found that the practice followed in the temple for a long time was that the auction will be settled in favour of one person for and on behalf of the Temple Advisory Committee for a total amount ranging between 70,000/- to 80,000/- and such person or committee used to let out portions of such premises to various intending stall/shop operators after collecting huge amounts. The Devaswom Commissioner has in his report dated 5.3.2014 stated that, during the previous festival season the tender notice was published after dividing the land put up for auction into 30 plots, in order to prevent revenue loss by awarding the licence to a single person. In the auction conducted on 25.2.2014 nine persons participated and

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the revenue has increased to 1,03,675/-. It is stated that though more people had assembled near the auction hall only nine persons participated in the auction and that most of the plots were re-auctioned by the actual licensees to third parties after receiving substantially high amounts. Further, it is stated that as against 30 plots auctioned by the Board, 36 shops were found on the Devaswom property and the Commissioner had directed the Devaswom officers to remove the unauthorised shops or to negotiate with the unauthorised vendors and regularise their occupation, without causing any loss to the Devaswom. The Honourable Ombudsman has in his report suggested, among other things, that the practice of preventing the intending bidders by certain persons with vested interests should be prevented with the help of the Police and the Chief Vigilance Officer of the Devaswom may be directed to be present at the time of auction.

5. By order dated 09.02.2015, this Court directed the

Travancore Devaswom Board to incorporate the conditions enumerated in Clause Nos.(i) to (xiii) in Para.6 of that order in the tender notification in order to ensure a fair and transparent tender process in the public auction of the right to open temporary stalls/shops on the Devaswom property of Sreevallabha Maha Temple, Thiruvalla, during the current festival season. Clauses (i) to (xiii) in Para.6 of order dated 9.2.2015 read thus: (i) The auction shall be confined to 49 plots identified in the site sketch prepared by the Assistant Engineer, Travancore Devaswom Board, Thiruvalla and produced before this Court;

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(ii) The upset price for the plots shall be as mentioned in the statement prepared by the Assistant Engineer, Travancore Devaswom Board, Thiruvalla and produced before this Court;

(iii) The auction shall be conducted in the presence of the Chief

Vigilance Officer of the Board, who shall ensure that the intending bidders are not prevented in any manner by persons with vested interests. The Chief Vigilance Officer shall also seek Police assistance for the smooth conduct of the auction, if found necessary;

(iv) At the time of auction, the bidders shall carry their voters

identity card issued by the Election Commission of India or any other proof of identity recognised by the Government and shall also furnish a self attested photostat copy of the identity card to the Officer conducting the auction.

(v) The intending bidders shall produce the requisite EMD by way of Demand Draft drawn in their name.

(vi) No bidder shall be permitted to bid for more than one plot. If

there are vacant plots after the auction, such plots shall be put to auction on the very next day at the very same time. In the absence of sufficient number of bidders on the second day, more than one plot can be allotted to a single bidder;

(vii) No licensee shall be permitted to put up more than one

stall/shop on a single plot; (viii) No person shall be permitted to conduct any stall/shop in an area other than that shown in the sketch prepared by the Assistant Engineer, Travancore Devaswom Board, Thiruvalla;

(ix) No licensee shall have the right to re-auction/sub-let the plot

to a third party and if any such instance comes to the notice of the Board, the Board shall be entitled to cancel such license forthwith and evict the licensee from the plot, by DBP No.16 of 2025 8 2025:KER:16166 forfeiting the entire license fee. But, the Board shall give the licensee a reasonable time to remove his articles;

(x) The licensee should personally conduct the business in the stall/shop put up on the plot taken in auction and he should also carry his proof of identity with him while conducting such business;

(xi) No licensee shall be permitted to occupy the plot allotted to

him beyond the period of the license. But, it would be open to the Board to give a grace period up to one week, after collecting proportionate license fee, to enable the licensee to remove his articles from the plot or for selling the balance articles;

(xii) No member of the Temple Advisory Committee or their near

relations, or the employees of the Travancore Devaswom Board or their near relations shall be entitled to participate in the auction either personally or as a nominee of another; (xiii) No bidder shall interfere with the conduct of any religious rites, rituals, customs, practises and other ceremonies of the temple. Bidders shall be bound to follow the temple manners and instructions issued by the Board from time to time, failing which he will be summarily evicted after forfeiting the entire license fee.

xxx xxx xxx

8. The learned counsel for the petitioner argued that in the

auction conducted for the year 2012, 2013 and 2014, the total amount received by the Travancore Devaswom Board in the sale by public auction of the right to run temporary stalls/shops on Devaswom property of Sree Vallabha Maha Temple, Thiruvalla was 67,000/-, 75,700/- and 1,79,375/- DBP No.16 of 2025 9 2025:KER:16166

respectively. On the other hand, in the public auction conducted for the current festival season, pursuant to the order passed by this Court on 28.12.2014, the Travancore Devaswom Board received a total amount of 3,92,950/-. The learned counsel for the petitioner would contend that the auction conducted on 16.02.2015 and 18.02.2015 was without adequate publicity and had those auctions been conducted with adequate publicity, the total amount would have gone much higher.

9. The learned counsel for the petitioner would further contend

that there was a deliberate attempt on the part of the Devaswom officials and the Temple Advisory Committee to see that the auction amount would not go higher so as to see that their earlier stand for monopoly auction would be justified. The said allegation made on behalf of the petitioner was strongly opposed by the learned Standing Counsel for the Travancore Devaswom Board and the learned counsel for the Temple Advisory Committee. The learned counsel for the Temple Advisory Committee would also point out that it was the petitioner who started the practice of taking in auction the temple premises through his nominee, who used to let out portions of such premises to various intending stall/shop operators after collecting huge amounts from them.

10. We notice that, in the public auction conducted pursuant to

the order dated 09.02.2015, there is an increase of income to the tune of 2,13,575/- compared to the income received by the Travancore Devaswom Board for the previous year. The said fact is not disputed either by the Standing Counsel for the DBP No.16 of 2025 10 2025:KER:16166

Travancore Devaswom Board or by the learned counsel appearing for the Temple Advisory Committee. The learned Standing Counsel for the Travancore Devaswom Board would also submit that, if this Court is directing the Board to continue the procedure contemplated in order dated 09.02.2015 for the coming years, adequate provision may be made permitting the Board to allot free of rent at least 10 shops/stalls of reasonable size to charitable institutions with non-profit motive who are in the field of publication of religious books and publications.

11. We notice that in the public auction conducted pursuant to

**order dated 09.02.2015, there is a considerable increase in the**

income fetched by auctioning the right to open temporary stalls/shops on the Devaswom property during the festival season. Further, since the auction is confined to the plots identified in the sketch prepared by the Assistant Engineer concerned, the putting up of such shops can be regulated in such a manner that only least inconvenience is caused to the devotees coming to the temple premises during the festival season. Therefore, we are of the considered view that, in the coming years as well, public auction of the right to open temporary stalls/shops at the Devaswom property of Sree Vallabha Maha Temple Thiruvalla, during festival seasons, should be conducted strictly in terms of Clauses (i) to (xiii) referred to above. We also make it clear that it would be open to the Travancore Devaswom Board to reserve at least five stalls of reasonable size for allotment during festival seasons, to charitable institutions with non-profit motive who are in the

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#### 12. The tender notification incorporating the above conditions

along with the usual terms and conditions of the tender notifications issued by the Travancore Devaswom Board shall be published at least one month prior to the date of auction in the notice board of the Devaswom office and also in the temple premises. The Travancore Devaswom Board shall also publish a notification regarding the public auction in one or two vernacular dailies having wide circulation in the locality. The Chief Vigilance Officer of the Travancore Devaswom Board and his subordinates shall conduct periodic visits during the festival season to ensure that there is no violation of any of the tender conditions by the licensees and that no unauthorised stalls/shops are put up in the temple premises.

13. We also deem it appropriate to direct the Travancore

Devaswom Board to incorporate the above conditions, with necessary modifications in all tender notifications issued by the Board to conduct public auction of the right to open temporary stalls/shops on the Devaswom property of all the temples under the Devaswom, treating this as a general guidelines. It would also be open to the Travancore Devaswom Board to reserve upto five stalls of reasonable size in all such temple premises, during festival seasons, for allotment to charitable institutions with non-profit motive, who are in the field of publication of

DBP No.16 of 2025 12 2025:KER:16166 religious books and publications, free of rent, for selling such books and publications. The allotment of stalls, if any, to such institutions shall be on first come first served basis.

5. The principles laid down in the said decision were reiterated by this Court in *Satheesh v. Travancore Devaswom Board and others* [2022 (1) KLT 940].

6. Having considered the report of the learned Ombudsman

and also the submissions made at the Bar, we deem it appropriate to dispose of this DBP by directing the Travancore Devaswom Board and its officials to comply with the directions contained in the aforesaid decisions, in letter and spirit, while conducting auction in connection with annual festivals and other ceremonies in all temples under its management, including Kaviyoor Mahadeva Temple. The Chief Vigilance and Security Officer (Superintendent of Police), Travancore Devaswom Board shall conduct periodical inspections by the Vigilance Wing of the Travancore Devaswom Board in connection with annual festivals and other ceremonies, in order to ensure strict compliance of the directions contained in the judgment of this Court in *Sreekumar V.* [2015 (2) KHC 714], in the auctions conducted for putting up stalls in connection with such festivals and ceremonies. DBP No.16 of 2025 13 2025:KER:16166 With the above directions, this DBP is disposed of. Sd/- ANIL K. NARENDRAN, JUDGE Sd/- P.M. MANOJ, JUDGE sss

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