



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRAN

&

THE HONOURABLE MRS. JUSTICE SOPHY THOMAS

FRIDAY, THE 21<sup>ST</sup> DAY OF JUNE 2024 / 31ST JYAISHTA, 1946

CON.CASE(C) NO. 296 OF 2024

AGAINST THE JUDGMENT DATED 19.09.2023 IN WP(C)NO.20218 OF  
2023 OF HIGH COURT OF KERALA

PETITIONER:

K V PRAMOD, AGED 49 YEARS  
S/O VASU, RESIDING IN THE ADDRESS  
KANTAMPULLI HOUSE, KOONAMMOOCHI P O,  
THRISSUR DISTRICT, PIN - 680504

BY ADV G.SREEKUMAR (CHELUR)

RESPONDENTS:

- 1 K P VIJAYAN  
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER, THE  
ADMINISTRATOR, GURUVAYOOR DEVASWOM MANAGING COMMITTEE,  
GURUVAYUR, THRISSUR DISTRICT, PIN - 680101
- 2 DR. V K VIJAYAN  
AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER,  
GURUVAYUR DEVASWOM MANAGING COMMITTEE, GURUVAYUR,  
REPRESENTED BY ADMINISTRATOR, GURUVAYUR P.O, THRISSUR  
DISTRICT, PIN - 680101

OTHER PRESENT:

SRI. T.K. VIPINDAS, SC. GDMC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR  
ADMISSION ON 21.06.2024, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

**JUDGMENT**

Anil K. Narendran, J.

The petitioner has filed this contempt case alleging willful disobedience of the directions contained in Annexure AI judgment of this Court dated 19.09.2023 in W.P.(C)No.20218 of 2023, whereby that writ petition was disposed of with certain directions. Paragraphs 32 to 35 and also the last paragraph of that judgment read thus;

“32. In order to support the decision taken by the Managing Committee, as evidenced by Ext.R2(g) resolution dated 09.05.2023 for granting extension to the 4<sup>th</sup> respondent Co-operative Society for a further period of one year, the learned Standing Counsel for the Managing Committee and also the learned counsel for the 4<sup>th</sup> respondent Co-operative Society would rely on the provisions under Sections 10, 21 and 27 of the Guruvayur Devaswom Act. As per clause (b) of Section 10 of the Act, it shall be the duty of the Committee to provide facilities for the proper performance of worship by the worshippers; as per clause (d) to ensure maintenance of order and discipline and proper hygienic conditions in the temple and the subordinate temples attached thereto and of proper standard of cleanliness and purity in the offerings made therein; and as per clause (g) to do all such things as may be incidental and conducive to the efficient management of



the affairs of the Devaswom and the convenience of the worshippers. As per clause (a) of sub-section (2) of Section 21, every budget shall make adequate provision for the dittam or scale of expenditure for the time being in force; as per clause (b) the due discharge of all liabilities binding on the Devaswom; and as per clause (c) the construction, repair, maintenance and renovation of buildings connected with the Devaswom. As per clause (a) of sub-section 2 of Section 27, after making adequate provision for the purposes referred to in sub-section (2) of Section 21, the Managing Committee shall incur expenditure out of the funds of the Devaswom for maintenance, management and administration of the temple, its properties and the temples subordinate thereto; as per clause (c) medical relief, water supply and other sanitary arrangements for the worshippers and the pilgrims and construction of building for their accommodation.

33. The provisions in Sections 10, 21 and 27 of the Guruvayur Devaswom Act would not enable the 3<sup>rd</sup> respondent Guruvayur Devaswom Managing Committee to give preferential treatment to the 4<sup>th</sup> respondent Co-operative Society, by granting an extension of the term for a further period of one year on payment of an additional amount of 5% above the amount for the previous year, without a tender process. The offerings from the devotees and the revenue generated through the auction of Kutahka rights are the major sources of income for the Guruvayur Devaswom Managing Committee. The best interest of the Devaswom would be subserved only if proper income is



generated from the auction of Kuthaka rights. The interest of the devotees could have been protected by the Managing Committee by issuing a tender notification for the year 2023-24, for a digitalized cloakroom with the very same facilities presently available.

34. In view of the provisions under Section 25 of the Act, it is the duty of the additional 6<sup>th</sup> respondent Deputy Director to verify and report in the Audit Report all cases of irregular, illegal or improper expenditure or of failure to recover money or other property due to the Devaswom or of loss or waste of money or other property thereof, caused by neglect or misconduct of the authority and issue Audit Report to the Devaswom Commissioner.

35. In the above circumstances, we find no reason to sustain Ext.P13 order dated 31.05.2023 of the 2<sup>nd</sup> respondent Administrator, whereby, in continuation of Kuthaka right granted for the year 2022-23, from 09.07.2022 till 08.07.2023, for conducting cloakrooms (paid counters) in Kizhakke Nada and Padinjare Nada and footwear counter (free counter) in Thekke Nada of the Guruvayur Sree Krishna Temple, the 4<sup>th</sup> respondent Co-operative Society has been granted the said Kuthaka right for the year 2023-24, from 09.07.2023 till 08.07.2024, at a rate 5% above the rate for the previous year plus 18% GST and 5% security deposit, without a tender process, based on Ext.R2(g) decision No.35 of the 3<sup>rd</sup> respondent Managing Committee referred to therein.

In the result, this writ petition is disposed of by setting aside Ext.P13 order dated 31.05.2023 of the 2<sup>nd</sup> respondent



Administrator and Ext.R2(g) decision No.35 of the 3<sup>rd</sup> respondent Managing Committee referred to therein and the said respondents are directed to issue a tender notification inviting tenders for digitalized cloakrooms and footwear counter in Guruvayur Sree Krishna Temple for the year 2023-24 or for a period of one year. The exercise in that regard shall be completed within two months from the date of receipt of a certified copy of this judgment. Till such time, the 4<sup>th</sup> respondent Co-operative Society shall be permitted to continue, in case the said respondent has already paid the proportionate bid amount, in addition to Rs.15,00,000/- stated to have been paid after the issuance of Ext.P13 order.”

2. Today, when this contempt case is taken up for consideration, the learned Standing Counsel for Guruvayur Devaswom Managing Committee would point out the order of the Apex Court in SLP(C)No.5405 of 2024 dated 13.02.2024, in which the Apex Court recorded the submission made on behalf of the Administrator, Guruvayur Devaswom Managing Committee that the Managing Committee is willing to follow the directions issued by this Court in the judgment dated 19.09.2023 in W.P.(C)No.20218 of 2023. The submission made by the learned Standing Counsel for the Managing Committee that the committee requires some time to float fresh tenders and comply with the directions issued by this



Court was recorded in the order of the Apex Court dated 13.02.2024, whereby it was directed that, the contempt proceedings, if any, filed by the petitioner herein before this Court shall not be proceeded further. The order of the Apex Court dated 13.02.2024 in SLP(C)No.5405 of 2024 reads thus;

"1. Delay condoned.

2. The learned senior counsel, Mr. Naidu for the petitioners submits that the respondent No.1 (the writ petitioner), though had not participated in the tender process, had challenged the order of the Administrator extending the term of the contract of respondent No.3 for the year 2023-2024 till 08.07.2024, and that there are some criminal proceedings also pending against the respondent No.1, nonetheless, the petitioner, i.e., the Administrator of the Guruvayoor Devaswom Managing Committee is ready and willing to follow the directions issued by the High Court in the impugned order. He submits that the Committee would require some time to float the fresh tenders and comply with the directions issued by the High Court.

3. Issue notice to the respondents, returnable after four weeks.

4. In the meantime, it is directed that the contempt proceedings, if any, filed by the respondent No.1 before the High Court shall not be proceeded further."

3. The learned Standing Counsel for Guruvayur Devaswom Managing Committee would submit that the Managing Committee



has already floated a tender, which was opened yesterday (20.06.2024), and the highest bid received is for Rs.1.50 Crores.

4. The petitioner filed W.P.(C)No.20218 of 2023 before this Court challenging the action of the Guruvayur Devaswom Managing Committee in permitting the Kuthaka holder, namely, Guruvayur Multi-purpose Co-operative Society, the 4<sup>th</sup> respondent in that writ petition, to continue the Kuthaka for conducting cloak rooms (paid counters) in Kizhakke Nada and Padinjare Nada and footwear counter (free counter) in Thekke Nada of Guruvayur Sree Krishna Temple, for the year 2023-24 (from 09.07.2023 till 08.07.2024), without any tender process, at 5% above the rate for the previous year, i.e., 5% above Rs.65,55,555/- plus 18% GST. Now, in the tender process conducted pursuant to Annexure AI judgment of this Court, the highest bid received is Rs.1.50 Crores.

5. The learned counsel for the petitioner would submit that this contempt case may be closed, since the Guruvayur Devaswom Managing Committee has floated tender for the Kuthaka right in question, after the orders of the Apex Court in SLP(C)No.5405 of 2024.

In such circumstances, recording the aforesaid submissions



made by the learned counsel for the petitioner and the learned Standing Counsel for Guruvayur Devaswom Managing Committee, this contempt case is closed.

Sd/-  
**ANIL K. NARENDRAN**  
**JUDGE**

Sd/-  
**SOPHY THOMAS**  
**JUDGE**

bkn/-





APPENDIX OF CON.CASE (C) 296/2024

PETITIONER ANNEXURES

Annexure I

CERTIFIED COPY OF THE JUDGMENT OF  
THIS HON'BLE COURT IN WP (C) 20218  
OF 2023 DATED 19.9.23