

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Friday, the 12th day of August 2022 / 21st Sravana, 1944
WP(C) NO. 25929 OF 2022

PETITIONER:

SREERAJ G.NAIR, AGED 36 YEARS, SON OF C.S.GOPALAKRISHNAN NAIR,
RESIDING AT SIVANJALI, ULLALA, THALAYAZHAM P.O., VAIKOM, KOTTAYAM
DISTRICT - 686 603.

RESPONDENT:

1. THE TRAVANCORE DEVASWOM BOARD, DEVASWOM HEAD QUARTERS, NANTHANCODE, KAWDIAR POST, THIRUVANANTHAPURAM DISTRICT - 695 003 REPRESENTED BY ITS SECRETARY.
2. THE COCHIN DEVASWOM BOARD, COCHIN DEVASWOM BOARD HEADQUARTERS, SWARAJ ROUND WEST, THRISSUR DISTRICT - 680 001, REPRESENTED BY ITS SECRETARY.
3. THE EXECUTIVE OFFICER, THRIIPRAYAR SREE RAMASWAMI TEMPLE, TEMPLE ROAD, VALAPAD P.O., THRIIPRAYAR, THRISSUR DISTRICT - 680 567.
4. THE EXECUTIVE OFFICER, SREE KOODALMANIKYAM TEMPLE, IRINJALAKUDA, KOODALMANIKYAM DEVASWOM, IRINJALAKUDA, THRISSUR DISTRICT - 680 121.
5. THE EXECUTIVE OFFICER, SREE LAKSHMANA TEMPLE, THIRUMOZHICKULAM, MOOZHICKULAM, KURUMASERI, ERNAKULAM DISTRICT - 683 579.
6. THE EXECUTIVE OFFICER, SREE SAKTHRUKNA TEMPLE, PAYAMMAL, SHATHRUGHNA NAGAR, PAYAMMAL ROAD, ARIPALAM P.O., THRISSUR DISTRICT - 680 688.
7. THE KERALA STATE ROAD TRANSPORT CORPORATION, TRANSPORT BHAVAN, FORT P.O., THIRUVANANTHAPURAM DISTRICT - 695 023 REPRESENTED BY ITS MANAGING DIRECTOR.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents 3 to 6 to ensure that all the devotees intending to make Darshan at the respondents 3 to 6 temples, except the special category devotees like senior citizens, differently abled, are following the single queue pending disposal of the writ petition, so as to secure the ends of justice.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S T.MADHU, C.R.SARADAMANI, SHAHID AZEEZ, RESHMA SANTHOSH, RENJISH S. MENON Advocates for the petitioners, M/S SHRI.G.BIJU, STANDING COUSEL for R1, STANDING COUNSEL for R2 and R3, Sri.S.SUJIN Advocate for R4, STANDING COUNSEL for R5 and of STANDING COUNSEL for R7, the court passed the following:

ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.

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Dated this the 12th day of August, 2022

ORDER

Anil K. Narendran, J.

The petitioner, who had Nalambala Darshanam on 31.07.2022 along with his family, has filed this writ petition under Article 226 of the Constitution of India, seeking a declaration that the action of respondents 1 to 6 in allowing the devotees who are making Nalambala Darshanam in Thriprayar Sree Ramaswami Temple, Sree Koodalmanikyam Temple, Thirumoozhikkulam Sree Lakshmana Temple and Payammal Sree Shathrughnan Temple by availing the tour package offered by the 7th respondent Kerala State Road Transport Corporation (KSRTC) without following the queue, while all the other devotees including senior citizens, differently abled and other special categories of devotees, pregnant women and women with infants in their hands could make darshan only by following the queue, is arbitrary, discriminatory, etc. The petitioner has also sought for a writ of mandamus commanding respondents 3 to 6 to provide special

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queue for senior citizens, differently abled and such other special categories of devotees for making Nalambala Darshanam in the aforesaid temples.

2. Nalambala Darshanam in the current year, i.e., 1197 M.E., was commenced on 17.07.2022 and it is till 16.08.2022. On 31.07.2022, the petitioner along with his family members reached Thriprayar Temple by around 6.00 a.m. and they had to remain in the queue until 12.00 noon to have darshan. They could reach home after having darshan in all the four temples by around 2.00 a.m. on 01.08.2022. During Nalambala Darshanam, the petitioner noticed that there is no special queue or arrangements for senior citizens, differently abled persons, etc. In order to have Darshan, they have to remain in the queue for a long time. At the same time, separate queue is provided for darshan in all the four temples, for those who visit those temples by availing the pilgrim package offered by the 7th respondent KSRTC, as evident from Ext.P1 photograph of the board erected in Thriprayar Sree Ramaswamy Temple. Similar boards are erected in the other three temples as well. The petitioner has placed on record

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Ext.P2 brochure of the pilgrim tour package offered by the KSRTC, a printout of which is taken from its official website.

3. Today, when this writ petition came up for admission, this Court directed the respective Standing Counsel for Travancore Devaswom Board, Cochin Devaswom Board and also KSRTC to get instructions and the matter was ordered to be listed at 3.30 p.m. for consideration.

4. The learned Standing Counsel for Travancore Devaswom Board takes notice for respondents 1 and 5. The learned Standing Counsel for Cochin Devaswom Board takes notice for respondents 2 and 3. Sri.S.Sujin, the learned Standing Counsel takes notice for the 4th respondent. The learned counsel for the petitioner to serve a copy of this writ petition to Sri.S.Sujin, the learned Standing Counsel for the 4th respondent, today itself. Show the name of the learned Standing Counsel for the 4th respondent in the cause list. The learned Standing Counsel for KSRTC takes notice for the 7th respondent.

5. Issue urgent notice by special messenger to the 6th respondent returnable by 17.08.2022.

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6. The learned Standing Counsel for KSRTC has made available for the perusal of this Court the minutes of the meeting of a Co-ordination Committee convened on 04.06.2022 in Koodalmanikyam Devaswom Hall, Irinjalakkuda to co-ordinate the activities in connection with Nalambala Darshanam. The said minutes would only show that KSRTC was instructed to make necessary arrangements for providing services under the Pilgrim Tourism Package for Nalambala Darshanam. The said minutes would not show that a decision was taken in that meeting for providing special queue to those devotees who avail the Pilgrim Tourism Package of KSRTC for Nalambala Darshanam.

7. During the course of arguments, the learned Standing Counsel for KSRTC or the learned Standing Counsel for the Travancore Devaswom Board or the Cochin Devaswom Board could not point out any decision taken by the competent authority of the temples in question, permitting the devotees who avail the Pilgrim Tourism Package by KSRTC for Nalambala Darshanam, to have darshan in all the four temples without following queue system for the devotees, through a separate

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queue for those who avail the said package. In Ext.P3 brochure issued from the Mavelikkara Depot of KSRTC, it is stated that the devotees who opt for Nalambala Darshanam through the Pilgrim Tourism Package of KSRTC can have darshan and vazhipadu without following the queue system.

8. The learned Standing Counsel for KSRTC seeks time to get instructions to explain the circumstances in which Ext.P3 brochure was issued from the Mavelikkara Depot of KSRTC.

9. Having considered the materials on record, the copy of the minutes of the meeting of the Co-ordination Committee convened on 04.06.2022, a copy of which is handed over by the learned Standing Counsel for KSRTC, and also the submissions made by the learned counsel on both sides, we find that provision of separate queue for the devotees who avail Pilgrim Tourism Package of KSRTC for Nalambala Darshanam, which is *per se* arbitrary and illegal, cannot be permitted to continue. All the devotees have to follow the queue system in the aforesaid temples for Nalambala Darshanam. However, separate queue has to be provided for

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senior citizens, differently abled and mentally challenged persons and such other special categories of persons, who require special attention and care.

List on 17.08.2022 for further consideration.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

AV/12/8



APPENDIX OF WP(C) 25929/2022

- Exhibit P1** THE TRUE COPY OF THE BOARD ERECTED AT THE SREE RAMASWAMI TEMPLE THRIIPRAYAR PROVIDING SPECIAL QUEUE FOR THE DEVOTES VISITING THE TEMPLE BY AVAILING THE TOUR PACKAGE OFFERED BY THE SEVENTH RESPONDENT.
- Exhibit P2** THE TRUE COPY OF THE ADVERTISEMENT ISSUED BY THE SEVENTH RESPONDENT FOR THE NALAMBALA DARSHANAM 2022.
- Exhibit P3** THE TRUE COPY OF THE ADVERTISEMENT MADE BY THE KERALA STATE ROAD TRANSPORT CORPORATION MAVELIKKARA DEPOT.

