

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 13th day of September 2024 / 22nd Bhadra, 1946
WP(C) NO. 31313 OF 2024(L)

PETITIONERS:

1. P.P. VENUGOPAL, AGED 58 YEARS, S/O. RAMAN MENON, PATTANATHUKATTIL, PATTANAM, VADAKKEKKARA, NORTH PARAVUR, ERNAKULAM, PIN - 683522
2. BABITHA MOL B, AGED 36 YEARS, W/O SUNIL RAJAPPAN, PULLUKATTUVU VELIYIL, NADAKKAVU P.O, UDAYAMPEROOR, ERNAKULAM, PIN - 682307

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT, KERALA GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. GURUVAYUR DEVASWOM MANAGING COMMITTEE, REPRESENTED BY ITS ADMINISTRATOR, OFFICE OF THE MANAGING COMMITTEE, SREEPADMAM, EAST NADA, GURUVAYUR, THRISSUR, PIN - 680101
3. STATION HOUSE OFFICER, GURUVAYUR TEMPLE POLICE STATION, MELPATHUR ROAD, NEAR GURUVAYUR TEMPLE GURUVAYUR, THRISSUR, PIN - 680101
4. JASNA SALIM, W/O ABDUL SALIM, PULIYERIKUNNATH HOUSE, NEAR NALU PURACKAL NAGAKELI KSHETRAM KURUVANGAD P.O., QUILANDY, KOZHIKODE, PIN - 673620
5. ADDL.R5. THE ADMINISTRATOR, GURUVAYUR DEVASWOM MANAGING COMMITTEE, GURUVAYUR, THRISSUR - 680101 (SUO MOTU IMPEADED AS PER ORDER DATED 05-09-2024 IN WPC)

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 respondents 1 to 3 not to allow entry of non Hindus including the 4th respondent in Guruvayoor Temple and its premises including the nadapanthal till the disposal of this case.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 11/09/2024 and upon hearing the arguments of R.KRISHNA RAJ, R.PRATHEESH (ARANMULA), E.S.SONI, SREERAJA V., LAXMI PRIYAA N.P. Advocates for the petitioners, GOVERNMENT PLEADER for respondents 1 and 3 and of STANDING COUNSEL for respondents 2 and 5, the court passed the following:

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

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Dated this the 13th day of September, 2024

ORDER

Anil K. Narendran, J.

The petitioners, who are devotees of Lord Guruvayurappan of Guruvayur Sree Krishna Temple, which is a temple under the management of the 2nd respondent Guruvayur Devaswom Managing Committee, have filed this writ petition under Article 226 of the Constitution of India seeking a writ of mandamus commanding respondents 1 to 3 to take appropriate action against the 4th respondent for violating the provisions of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965 and Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965 by entering Guruvayur temple premises including the Nadapanthal and engaging in illegal activities including video graphing on various occasions. The petitioners have also sought for other consequential reliefs. Along with the writ petition, the petitioners have placed on record Ext.P5 video showing the 4th respondent picking up a quarrel with the devotees, who were waiting for darshan in the Nadapanthal of Guruvayur Sree Krishna Temple on 26.08.2024; Ext.P6 video showing 4th respondent

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celebrating her birthday by cutting a cake in the Nadapanthal, on 15.06.2024; etc.

2. On 05.09.2024, when this matter came up for consideration, the learned Standing Counsel for Guruvayur Devaswom Managing Committee and the learned Senior Government Pleader were directed to get instructions with specific reference to the video clippings placed on record as Exts.P5 to P8.

3. On 11.09.2024, during the course of arguments, the learned counsel for the petitioners placed reliance on the provisions contained in the Kerala Hindu Places of Public Worship (Authorisation of Entry) Rules, 1965. The learned Standing Counsel for the Guruvayur Devaswom Managing Committee pointed out the provisions contained in clauses (i) to (iii) of sub-section (2) of Section 4 of the Kerala Hindu Places of Public Worship (Authorisation of Entry) Act, 1965.

4. Admit. The learned Senior Government Pleader enters appearance for respondents 1 and 3 and the learned Standing Counsel for Guruvayur Devaswom Managing Committee for the 2nd respondents and additional 5th respondent. Issue notice to the 4th respondent by speed post, returnable within four weeks.

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5. The Guruvayur Devaswom Act, 1978, enacted by the State Legislature, which received the assent of the President on 18.03.1978, makes provision for the proper administration of the Guruvayur Devaswom. Clause (c) of Section 2 of the Act defines 'Committee' to mean Guruvayur Devaswom Managing Committee constituted under Section 3. In view of the provisions under sub-section (1) of Section 3, the administration, control and management of Guruvayur Devaswom shall be vested in Guruvayur Devaswom Managing Committee constituted in the manner provided in the said Section. Section 10 of the Act deals with the duties of the Committee. As per clause (a) of Section 10, subject to the provisions of the Act and the Rules made thereunder, it shall be the duty of the Committee, subject to the custom and usage in the temple, to arrange for the proper performance of the rites and ceremonies in the temple and the subordinate temples attached thereto in accordance with the dittam or scale of expenditure fixed for the temple and the subordinate temples under Section 20 or, till the dittam or scale of expenditure is fixed under that Section, in accordance with the dittam or scale of expenditure fixed for the temple and the subordinate temples under Section 51 of the Madras Hindu

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Religious and Charitable Endowments Act, 1951; and as per clause (b) of Section 10, to provide facilities for the proper performance of worship by the worshippers.

6. The role assigned to Guruvayur Devaswom Managing Committee constituted under Section 3 of the Guruvayur Devaswom Act, 1978, is that of a trustee in management of the properties vested in the deity. The Managing Committee is duty bound to scrupulously follow the stipulations contained in the Act of 1978. Unless a contrary intention, either expressly or by necessary implication, arises from the provisions of the statute in any particular subject or context, Guruvayur Devaswom Managing Committee is legally bound to administer and manage the Devaswom and its properties in accordance with the settled legal principles relating to the administration of Hindu Religious Trusts. The Committee, being the trustee in the management of Devaswom properties, is legally bound to perform its duties with utmost care and caution.

7. In **Suo Motu v. Guruvayur Devaswom Managing Committee and others [2022 (6) KLT 849]** this Court held that, as per clause (a) of Section 10 of the Guruvayur Devaswom Act, 1978, subject to the provisions of the said Act and the Rules

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made thereunder, it shall be the duty of the Committee, subject to the custom and usage in the temple, to arrange for the proper performance of the rites and ceremonies in the temple and as per clause (b) of Section 10, to provide facilities for the proper performance of worship by the worshippers. In the Act, there is no definition for the expression 'worshipper'. According to *Oxford Dictionary*, 'worshipper' is a person who shows reverence and adoration for a deity. Right to worship is a civil right, of course in an accustomed manner and subject to the practice and tradition in each temple. A 'worshipper', who shows reverence and adoration for Lord Guruvayurappan, is duty bound to exercise his right to worship in an accustomed manner and subject to the practice and tradition in Guruvayur Sree Krishna Temple.

8. Therefore, the 2nd respondent Guruvayur Devaswom Managing Committee is duty bound to provide facilities in Guruvayur Sree Krishna temple for the proper performance of worship of Lord Guruvayurappan, by the worshippers. Every devotee has a right to exercise his right of worship in Guruvayur Sree Krishna Temple in an accustomed manner and subject to the practice and tradition of that temple. No person can be permitted to pick up a quarrel with the devotees in the Nadapanthal, as seen

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from Ext.P5 video. Similarly, the Nadapanthal of a temple is not a place for cutting Birthday Cake.

9. Having considered the preliminary submissions made at the Bar, we deem it appropriate to direct the 2nd respondent Guruvayur Devaswom Managing Committee and the additional 5th respondent Administrator to take necessary steps to ensure that videography other than that in connection with marriage functions and other religious ceremonies are not permitted in the Nadapanthal of Guruvayur Sree Krishna Temple. The videography by vloggers, by following celebrities, shall not be permitted in the Nadapanthal. Guruvayur Sree Krishna Temple is a Special Security Zone notified invoking the provisions under Section 83(1) of the Kerala Police Act, 2011. The videography of the interior places of the temple, especially through the eastern 'Deepastambham' cannot be permitted. It is for the Managing Committee to ensure, through the security wing of Guruvayur Devaswom, that no activity causing any disturbance to the devotees, which includes children of tender age, senior citizen and persons with disabilities, takes place in the Nadapanthal of Guruvayur Sree Krishna Temple. If found necessary, the additional 5th respondent Administrator shall seek police assistance, by making a written request before

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the 3rd respondent Station House Officer, in which event, the police shall render necessary assistance.

List on 18.10.2024.

Sd/-

ANIL K. NARENDRAN, JUDGE

Sd/-

P.G. AJITHKUMAR, JUDGE

MIN



APPENDIX OF WP(C) 31313/2024

- Exhibit P5** TRUE COPY OF THE VIDEO SHOWING 4TH RESPONDENT PURPOSELY PICKED UP A QUARREL WITH DEVOTEES WHO WERE WAITING FOR DARSHAN DATED 26-08-2024
- Exhibit P6** TRUE COPY OF THE VIDEO SHOWING 4TH RESPONDENT CELEBRATING HER BIRTHDAY IN NADAPANThAL WITH A CAKE DATED 15-06-2024.
- Exhibit P7** TRUE COPY OF THE VIDEO SHOWING 4TH RESPONDENT STANDING NEAR DEEPASTAMBAM DATED 15-06-2024
- Exhibit P8** TRUE COPY OF THE VIDEO SHOWING LIGHTENING UP OF DEEPASTAMBAM DATED NIL

