

Presented on: 18/11/2021

BEFORE THE HON'BLE HIGH COURT OF KERALA, ERNAKULAM

W.P.(C) No. 25645 of 2021

S.J.R. Kumar

:

Petitioner

Vs.

The Travancore Devaswom Board,  
& others

:

Respondents

STATEMENT FILED BY STANDING COUNSEL FOR TRAVANCORE  
DEVASWOM BOARD, ON BEHALF OF RESPONDENTS 1 & 2 AS  
DIRECTED BY THIS HON'BLE COURT VIDE ORDER DATED  
17.11.2021

G. BIJU

Standing Counsel Travancore Devaswom Board

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This statement is filed without prejudice to the right of these respondents to file a detailed counter affidavit, if found necessary.

1. All the averments in the Writ Petition are denied except those which are specifically admitted hereunder.

2. This Writ Petition is filed, inter alia, seeking for a direction commanding the respondents to ensure that only Satwik/pure materials of high quality are used in the preparation of Nivedyam/Prasada for Lord Ayyappa at Sabarimala Temple, to confiscate impure and spoiled Halal jaggery to prevent it from being sold /distributed for consumption among public, to conduct an enquiry into the violation of tender conditions by purchasing impure Halal Jaggery for offering to Lord Ayyappa and to take appropriate steps against the erring officials by fixing liability for the loss suffered by the Devaswom Board etc among other reliefs.

3. It is submitted that the petitioner has approached this Hon'ble court with unclean hands alleging falsehood and suppressing material facts. Hence he is not entitled to get any of the reliefs prayed for.

4. It is submitted that the allegations made in this writ petition are absolutely false, baseless and are made purposefully with the malicious intention to create a wrong impression in the mind of the devotees and thereby to torpedo the pilgrimage. Several other fake news are also published in the social media in such a way to create controversies touching the religious feelings of the devotees of Sabarimala.

5. It is submitted that during 2019-2020 (1195 M.E) the contract to supply Jaggery in Sabarimala was awarded to Vardhan Agro Processing Ltd, 1049, Datta chowk, Pusesawali, Tal-Khatav, Satara, Maharashtra, PIN-415512. The above company supplied 19,96,034 kg of Jaggery powder during the period, Mandalam-Makaravilakku festival, 1195 M.E till Chithira Attavishesham. During that season 16,59,094 kg was used and due to the COVID protocol regulations and restrictions, darshan was permitted only in a limited manner. Hence Aravana and Appam were required only in limited quantities and thus the balance jaggery remained at Sannidhanam for a long period. During April, 2021 the Executive Officer, Sabarimala requested the Food Safety Commissioner to test the Jaggery powder stocked at Sannidhanam and to report whether the same can be used for preparation of Vazhipadu and samples were forwarded

on 27.04.2021. The samples were tested and the Government Analyst's laboratory certified that its quality is satisfactory.

6. It is submitted that again the samples were taken from the old stock in September, 2021 and tested to see whether it can be used. Then it was found not suitable for preparation of Vazhipadu items. There was no facility available in Sannidhanam and Pamba to dispose of the old stock coming to almost 3.5 lakh kilograms. Therefore the Jaggery which could not be used had to be auctioned out to clear out the godown to stock fresh Jaggery. Accordingly the old stock amounting to 3,36,940 kg was auctioned to Southern Agro Tech India Pvt. Ltd, 14/3D, Perumbi, Chirangara, Koratty, Thrissur, PIN-680308. The auction was made clearly mentioning that the stock is not suitable for preparation of Vazhipadu. The prohibition for sale is only for the articles for human consumption or use.

7. It is submitted that the above company is taking the old Jaggery powder to their godown in Tirupur, Tamil Nadu for being used as the raw material for the manufacture of cattle feed and allied products. They have already cleared more than one lakh kilograms. It is submitted that during 2020-2021 period the contract to supply Jaggery was given to M/s. S.P Sugar & Agro Pvt. Ltd., K. Tadwale, Taluka & District, Osmanabad, Maharashtra, PIN-413405. They started supply from April 2021 onwards and the same has been used since then. The above Company has supplied 5 lakh kilograms, out of which 2,76,652 kg was taken to the main store Sabarimala and 2,11,716 kg is available in stock

as on today. The Appam and Aravana are being prepared using the fresh stock of Jaggery.

8. It is submitted that the contractor supplies Jaggery powder at Pamba. The stock received at Pamba will be tested by the Food & Safety Department and only after obtaining their clearance the same will be accepted at Pamba Godown. From Pamba, the Jaggery is taken to the main store at Sabarimala according to requirement and availability of space. After preparation of Vazhipadu items, the same will be tested before taking it for distribution/sale. In Sannidhanam also the Food & Safety authorities conduct frequent inspections. Thus the quality of the materials used is always maintained in Sabarimala.

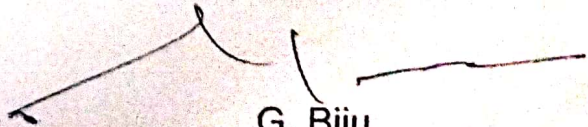
9. It is submitted that the Jaggery powder is packed in food grade plastic to retain its quality since it is prone to fermentation on contact with moisture. The packet is being transported from Maharashtra and the same is to be stored for considerable period to maintain stock at Pamba and Sabarimala. After using the contents, the plastic bags are auctioned without dumping it in Sabarimala.

10. It is submitted that in the Jaggery supplied by Vardhan Agro processing Ltd during 2019, a few packets contained the label, "HALAL JUH/HRC/437/2018". An enquiry was made with the supplier company, regarding the HALAL marking and they replied that they are doing export of Jaggery and for doing export to Arab countries HALAL certification is necessary and for that purpose they have taken HALAL certification which is an assurance of maintaining standards of quality.

11. It is submitted that the allegations herein are deliberately made to tarnish the reputation of Sabarimala and to hurt the religious feeling of the pilgrims. There is a calculated attempt to attack the reputation of Sabarimala and to destroy communal harmony through various posts published and circulated in the social media. The Executive Officer, Sabarimala has given a complaint in this regard to the Sannidhanam Police Station. The respondents herein are managing Sabarimala and other temples under it according to its usage as provided in section 24 and 31 of the TCHRI Act, 1950.

In the light of the facts and circumstances stated above, it is humbly submitted that petitioner is not entitled to get any of the reliefs prayed for and the writ petition is liable to be dismissed with exemplary costs to these respondents.

Dated this the 18<sup>th</sup> day of November, 2021

  
G. Biju  
Standing Counsel for Travancore Devaswom Board