



2024:KER:82485

"C.R."

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

TUESDAY, THE 5<sup>TH</sup> DAY OF NOVEMBER 2024/14TH KARTHIKA, 1946

DBP NO. 64 OF 2024

*IN THE MATTER OF COCHIN DEVASWOM BOARD - REPORT NO.31 OF  
2024 IN COMPLAINT NO.104 OF 2022 - KUNNANTHANAM  
MADATHILKAVU BHAGAVATHI TEMPLE - PREPARATION OF  
PADITHARAM FOR MURALIKRISHNA, UPADEVATHA - SUO MOTU  
PROCEEDINGS INITIATED - REG.*

COMPLAINANT:

VIJAYAN UNNITHAN  
PALLATH HOUSE, KUNNAMTHANAM,  
THIRUVALLA - 689581.

BY ADV RESMI A.

RESPONDENTS:

- 1 THE DEVASWOM COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, NANTHANCOD, KAWDIR  
POST, THIRUVANANTHAPURAM, KERALA, PIN - 695003.



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- 2 TRAVANCORE DEVASWOM BOARD  
REPRESENTED BY ITS SECRETARY, NANTHANCOD  
KAWDIAR POST, THIRUVANANTHAPURAM, KERALA,  
PIN - 695003.
- 3 THE ASSISTANT DEVASWOM COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, THIRUVALLA.
- 4 THE SUB GROUP OFFICER  
TRAVANCORE DEVASWOM BOARD, KUNAMTHANAM,  
THIRUVALLA.
- 5 SUNIL THRIVIKRAMAN NAMBOOTHIRI (THANTHRI)  
OANAMBOOR ILLAM, PERINGANAM P.O., THIRUVALLA,  
PIN - 689108.

BY ADV G.BIJU G., SC FOR TDB  
SRI.P.RAMACHANDRAN, AMICUS CURIAE FOR OMBUDSMAN

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR  
FINAL HEARING ON 23.10.2024, THE COURT ON 05.11.2024  
DELIVERED THE FOLLOWING:



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**"C.R."**

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

**DBP No.64 of 2024**

**Dated this the 5<sup>th</sup> day of November, 2024**

**ORDER**

P.G.Ajithkumar, J.

The learned Ombudsman for the Travancore Devaswom board submitted report No.31 of 2024 in complaint No.104 of 2022. The complaint was submitted with a grievance that the direction in the order dated 08.09.2015 of the learned Ombudsman in complaint No.434 of 2014 inasmuch as the implementation of Paditharam in Muralikrishna Temple, the Sub-Deity in Kunnamthanam Madathilkavu Bhagavathy Temple is yet to be implemented. The learned Ombudsman after having a due enquiry submitted the report mooted the following questions:

- i) Whether a devotee has any right to insist that a particular nivedyam should be included in Paditharam and whether the opinion of the Thanthri is final in regard thereto.
- ii) Since the nivedyam 'palpayasam' is offered daily ever since the installation of the Upadevatha, whether it



would be desirable to stop it abruptly rather than finding an alternative solution as already suggested to the Board.”

2. Heard the learned counsel for the complainant, the learned Senior Government Pleader, the learned Standing Counsel for the Travancore Devaswom Board and the learned Amicus Curiae for the Ombudsman.

3. The petitioner submitted complaint No.434 of 2014 before the learned Ombudsman. In that complaint, the learned Ombudsman submitted a report dated 08.09.2015, wherein the matter concerning the petitioner’s request to notify Paditharam in Muralikrishna Temple was relegated for the decision of the Travancore Devaswom Board. Paragraph No.4 in that report reads as follows:

“4. With regard to the request of the complainant that Paditharam is to be provided in Muraleekrishna Temple, the Devaswom Officer informed me that proposal is already sent to the Devaswom Board and as soon as administrative sanction is obtained, it can be implemented.”

4. The petitioner would contend that the Board has not taken a decision yet and therefore he is put to much



difficulty. He therefore is obligated to meet the expenses of palpayasam vazhipadu at Muralikrishna Temple. He has produced a receipt evidencing that he paid Rs.2,480/- towards the charges for palpayasam vazhipadu for the period from 01.07.2022 to 31.07.2022.

5. The Travancore Devaswom Board took a stand that Paditharam cannot be notified in Muralikrishna Temple since it is a Sub-Deity of Kunamthanam Madathilkavu Bhagavathy Temple. Along with the report of the Devaswom Commissioner opinion of the Thantri of the Temple was submitted before the learned Ombudsman. The Thantri informed that fixing of Pathivu Paditharam in the Sub-Deity as requested by the petitioner was not allowable. The petitioner has been offering vazhipadu and he can continue it as long as he can. In the affidavit filed by the 2<sup>nd</sup> respondent in this DBP the Secretary of the Board also took a similar stand. Paragraph Nos.4 to 7 in the affidavit are extracted below:

"4. The Krishnan Nada is a newly constructed sub deity in the temple. The Palpayasam Vazhipadu is done by the complainant as a Vazhipadu in his name and birth



star. He can stop the Vazhipadu at any time. All vazhipadus are not compulsory to be done every day and are not included in the Paditharam also. Even if the complainant stops the Vazhipadu, the Nivedyam and Poojas according to the Pathivu and custom of the temple will be conducted without any fail. The Tanthri categorically opined that there is no need of Pathivu or Paditharam to the sub deity as stated by the complainant. The complainant misunderstood the Vazhipadu and the rituals in the Paditharam.

5. The opinion of the Tantri is self explanatory and clearly answers the apprehension of the complainant. The Travancore Devaswom Board manages around 1248 temples. In all Temples there is Pathivu and Paditharam in which daily poojas, Masavishesham, Attavishesham and annual festivals are given in detail and the poojas are conducted without any failure. The Nithyanidanam, Masavishesham, Attavishesham and annual festival are ordinary ceremonies which are known as Pathivu. The items required for each Pooja prided in the pathivu and its rates are stipulated in the Paditharam.

6. It is submitted that the complainant has preferred this complaint without any bonafides. The Vazhipadu conducted by him in his name is not in any way connected to the daily Poojas, Pathivu and Paditharam of the temple. Vazhipadus are offered by devotees to the deity. Each of the vazhipadus which can be offered in a temple are not required to be conducted every day



as Nithyanidanam. Nithyanidanams are part of daily Poojas conducted as per the Pathivu.

7. It is submitted that the Nivedyams are common in almost all temples, such as Vella Nivedyam, Palpayasam, Sharkara Payasam, Aravana, Appam etc. In addition to this there are so many Vazhipadus such as Idichu Pizhinja Payasam, Kadum Payasam, Ellu Payasam, Ada, Modakam, Thrimadhuram, Chathussatham, Arunazhi, Panthirunazhi, etc. The devotees are free to offer any of these Vazhipadu according to their will. The mere fact that the petitioner conducted a particular vazhipadu for some period will not automatically bring such vazhipadu in the pathivu of the temple to do it as Nityanidanam.”

6. The petitioner filed a reply-affidavit reiterating his stand. He has produced receipts regarding payment of charges of various vazhipadu in the Muralikrishna Temple. The learned counsel for the petitioner would submit that the Board officials having agreed to fix Paditharam for Muralikrishna Temple, they cannot now resile from that undertaking.

7. The scales of Pathivu Paditharam is regulated by the provisions in clause (2) in Chapter II of Travancore Devaswom Manual, Volume II. Nitya nidanam, Masavishesham and other periodical ceremonies in a temple are to be



regulated in terms of the opinion of the Thanthri. From the contentions and the materials produced by the petitioner, it is evident that what he requests is to notify a Pathivu Paditharam for Muralikrishna Temple, the Sub-Deity in Kunamthanam Madathilkavu Bhagavathy Temple. When the Thanthri of the Temple is of the view that no such Paditharam is possible for an Upadevatha, there can be no direction to the Board to notify Paditharam for the Temple. What the petitioner has been performing is only vazhipadu in the Temple, for which there cannot be any Pathivu Paditharam going by the provisions in Chapter II of Travancore Devaswom Manual, Volume II.

8. In the report of the learned Ombudsman on complaint No.434 of 2014 information passed on regarding fixing of Paditharam by the Devaswom Board was recorded only. No direction was given or any decision taken in that regard. In the circumstances, the request of the petitioner, who is a devotee, cannot be allowed. Being a vazhipadu, the petitioner may or may not continue to offer palpayasam and





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other offerings. The Devaswom Board is obliged to perform Nityanidhanam, Masavishesham and other poojas and rites without any fail. In the case of vazhipadu there can be no such compulsion. Hence, the request of the petitioner is declined. The DBP is closed.

Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**P.G. AJITHKUMAR, JUDGE**

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APPENDIX OF DBP 64/2024

COMPLAINANT ANNEXURES

ANNEXURE O1	COPY OF COMPLAINT
ANNEXURE O2	LETTER FROM DEVASWOM COMMISSIONER DATED 15.03.2023
ANNEXURE O3	LETTER FROM DEVASWOM COMMISSIONER DATED 27.04.2023
ANNEXURE O4	LETTER FROM THE COMPLAINANT DATED 02.08.2023
ANNEXURE O5	LETTER FROM THE ASSISTANT COMMISSIONER, THIRUVALLA DATED 29.09.2023
ANNEXURE O6	REPLICATION DATED 30.11.2023
ANNEXURE O7	LETTER OF ASSISTANT COMMISSIONER, THIRUVALLA DATED 28.02.2024
ANNEXURE O8	COPY OF PROCEEDINGS DATED 29.02.2024 OF THE OMBUDSMAN
ANNEXURE O9	REPLY OF THE DEPUTY COMMISSIONER
ANNEXURE P-1	A TRUE COPY OF RECEIPT ISSUED TO THE PETITIONER BY TRAVANCORE DEVASWOM BOARD DATED 02.07.2024
ANNEXURE P-2	THE RECEIPTS GIVEN BY THE TRAVANCORE DEVASWOM BOARD TO THE PETITIONER DATED 08.06.2015