

15 -ാം കേരള നിയമസഭ

4 -ാം സമ്മേളനം

നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത പോദ്യം നം. 851

24-02-2022 - ൽ മറുപടിയ്ക്ക്

പട്ടാഴി ദേവസ്വം ഭരണസമിതി

പോദ്യം		ഉത്തരം	
ശ്രീ കെ ബി ഗണേഷ് കുമാർ		null (പട്ടികജാതി, പട്ടികവർഗ്ഗ, പിന്നാക്ക വിഭാഗക്ഷേമവും ദേവസ്വവും പാർലമെന്ററികാര്യവും വകുപ്പ് മന്ത്രി)	
(എ)	തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിൽ കൊട്ടാരക്കര ഗ്രൂപ്പിൽപ്പെട്ട പി. ഡി. പട്ടാഴി ദേവസ്വത്തിൽ ക്ഷേത്ര സംരക്ഷണ സമിതിയ്ക്ക് ദേവസ്വം ബോർഡ് അംഗീകാരമോ രജിസ്ട്രേഷനോ നൽകിയിട്ടുണ്ടായിരുന്നോ എന്ന് വ്യക്തമാക്കാമോ ; ഉണ്ടെങ്കിൽ രജിസ്ട്രേഷൻ നമ്പർ, അംഗീകാരം നൽകിയ തീയതി , ബൈലോ, മെമ്മോറാണ്ടം ഓഫ് അസോസിയേഷൻ ഉൾപ്പെടെയുള്ള പൂർണ്ണമായ വിശദാംശങ്ങൾ പകർപ്പ് സഹിതം വ്യക്തമാക്കുമോ ;	(എ)	തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിൽ കൊട്ടാരക്കര ഗ്രൂപ്പിൽപ്പെട്ട പി.ഡി. പട്ടാഴി ദേവസ്വത്തിൽ ക്ഷേത്ര സംരക്ഷണ സമിതിയ്ക്ക് ദേവസ്വം ബോർഡിന്റെ ക്ഷേത്രോപദേശകസമിതി എന്ന നിലയ്ക്കുള്ള അംഗീകാരമോ രജിസ്ട്രേഷനോ നൽകിയിട്ടില്ല.
(ബി)	പ്രസ്തുത രജിസ്ട്രേഷൻ ഇപ്പോഴും പ്രാബല്യത്തിലുണ്ടോ ; ആയതിന് ദേവസ്വം ബോർഡ് അനുമതി ഉത്തരവ് നൽകിയിട്ടുണ്ടോ ; എങ്കിൽ ഉത്തരവിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ ;	(ബി)	പി.ഡി. പട്ടാഴി ദേവസ്വത്തിൽ ക്ഷേത്ര സംരക്ഷണ സമിതി നിലവിലില്ല.
(സി)	നിലവിലുണ്ടായിരുന്ന സമിതി പിരിച്ചുവിട്ടിട്ടുണ്ടെങ്കിൽ എന്ന് പിരിച്ചുവിട്ടുവെന്നും, എന്ത് കാരണത്താലാണെന്നും ഇതുമായി ബന്ധപ്പെട്ട് എന്തെങ്കിലും കേസുകൾ ഉണ്ടെങ്കിൽ അവയുടെ വിശദാംശങ്ങളും ലഭ്യമാക്കാമോ ; ഇപ്പോൾ ക്ഷേത്രഭരണത്തിന്റെ ചുമതല ആർക്കാണെന്ന് വ്യക്തമാക്കുമോ ;	(സി)	തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റെ 04/03/2016-ലെ നടപടി ഉത്തരവ് നമ്പർ. 14177/12/എൻ.എസ് ഉത്തരവ് പ്രകാരം ക്ഷേത്ര സംരക്ഷണ സമിതി പിരിച്ചുവിട്ടിട്ടുള്ളതാണ്. (പകർപ്പ് ചേർക്കുന്നു) ഇതുമായി ബന്ധപ്പെട്ട് ഡി.ബി.പി. 120/2011 നമ്പർ കേസിൽ ബഹു. ഹൈക്കോടതി 22/03/2018 ൽ ഒരു വിധിന്യായം പുറപ്പെടുവിച്ചിട്ടുണ്ട്. (പകർപ്പ് ചേർക്കുന്നു.) നിലവിൽ ക്ഷേത്ര ഭരണത്തിന്റെ ചുമതല തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിനാണ്. കൂടാതെ ക്ഷേത്ര ഉപദേശകസമിതിയും നിലവിലുണ്ട്.
(ഡി)	സമിതി നാട്ടുകാരിൽനിന്നും പിരിച്ചെടുത്ത തുകയുടെ കണക്കുകൾ ദേവസ്വം ബോർഡ് പരിശോധിച്ചിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ ആയതിന്റെ വിശദാംശങ്ങളും ഇതിൽ ലക്ഷക്കണക്കിനു രൂപ ഏതെങ്കിലും ബാങ്കിൽ നിക്ഷേപിച്ചിട്ടുള്ളതായി	(ഡി)	സമിതി നാട്ടുകാരിൽ നിന്നും പിരിച്ചെടുത്ത തുകയുടെ കണക്കുകൾ കേരള സ്റ്റേറ്റ് ഓഡിറ്റ് വിഭാഗം പരിശോധനയ്ക്ക് വിധേയമാക്കിയിട്ടുള്ളതാണ് (പകർപ്പ് ചേർക്കുന്നു). സമിതി പ്രസ്തുത തുക പട്ടാഴി സർവ്വീസ് സഹകരണ ബാങ്കിലും പട്ടാഴി ഫെഡറൽ

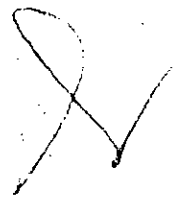
	<p>ദേവസ്വം ബോർഡിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടെങ്കിൽ ആയതിന്റെ വിശദാംശങ്ങളും അറിയിക്കുമോ ;</p>		<p>ബാങ്കിലും നിക്ഷേപിച്ചിട്ടുള്ളതായി ദേവസ്വം ബോർഡിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ട്.</p>
<p>(ഇ)</p>	<p>ഇപ്രകാരമുള്ള മുഴുവൻ തുകയും ദേവസ്വം ബോർഡിലേക്ക് മുതൽക്കൂട്ടാൻ ബോർഡ് എന്തെങ്കിലും നടപടികൾ സ്വീകരിച്ചിട്ടുണ്ടോ ; എങ്കിൽ സ്വീകരിച്ച നടപടികൾ പ്രസക്തമായ രേഖകൾ സഹിതം വിശദമാക്കുമോ ?</p>	<p>(ഇ)</p>	<p>ഇപ്രകാരമുള്ള മുഴുവൻ തുകയും ബോർഡിലേക്ക് മുതൽക്കൂട്ടുന്നതിനും പട്ടാഴി സർവ്വീസ് സഹകരണ ബാങ്കിൽ നിക്ഷേപിച്ചിട്ടുള്ള 30 ലക്ഷം രൂപ സംബന്ധിച്ചും, പട്ടാഴി ഫെഡറൽ ബാങ്കിൽ നിക്ഷേപിച്ചിട്ടുള്ള 2 ലക്ഷം രൂപ സംബന്ധിച്ചും ടി ബാങ്ക് മാനേജർമാർക്ക് നൽകിയിട്ടുള്ള കത്തിന്റെയും നോട്ടീസിന്റെയും പകർപ്പ് ചേർക്കുന്നു. എന്നാൽ നാളിതുവരെ തുക ദേവസ്വം പി.ഡി. ഫണ്ടിലേക്ക് നൽകിയിട്ടില്ലാത്തതാണ്.</p>

സെക്ഷൻ ഓഫീസർ

BEFORE THE HONOURABLE HIGH COURT OF
KERALA AT ERNAKULAM

DBAR No. /2020

(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD -
SPECIAL AUDIT REPORT ON THE AUDIT OF ACCOUNTS OF
PATAZHAY DEVI KSHETHRA SAMRAKSHANA SAMITHI
FOR THE PERIOD FROM 17.08.2014 TO 11.01.2019)



T.K. ANANDAKRISHNAN
SENIOR GOVERNMENT PLEADER

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**BEFORE THE HONOURABLE HIGH COURT OF
KERALA AT ERNAKULAM**

DBAR No. /2020

**(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD -
SPECIAL AUDIT REPORT ON THE AUDIT OF ACCOUNTS OF
PATTAZHY DEVI KSHETHRA SAMRAKSHANA SAMITHI
FOR THE PERIOD FROM 17.08.2014 TO 11.01.2019)**

**Name of Officers Responsible
for the conduct of Audit**

Sri. K. SUDARSANAN
Joint Director of Kerala State Audit Department
Travancore Devaswom Board Audit
Thiruvananthapuram.

TIME TAKEN FOR AUDIT: 11.03.2019 to 21.03.2019

OFFICERS RESPONSIBLE:

1. SAMITHI

- (1) Sri. A.R. Arun - President Pattazhy Devi Kshethra Samrakshana Samithi.
(Residential Address-Asha Bhavan, Erathvadaku, Pattazhy, P.O.)
- (2) Sri. K.R. Karmachandran Pillai - Secretary Pattazhy Devi Kshethra
Samrakshana Samithi.
(Residential Address- Kavilha, Maruthumon Bhagam, Pattazhy, P.O.)
- (3) Sri.B. Hareesh Kumar-Treasurer Pattazhy Devi Kshethra Samrakshana Samithi.
(Residential Address- Hareesh Bhavan, Thazhathuvadaku, Pattazhy,
Vadakkekara P.O.)

2. DEVASWOM

- (1) Sub Group Officer, Pattazhy
- (2) Assistant Devaswom Commissioner, Kottarakkara.

INTRODUCTION AND SCOPE OF AUDIT

This office had submitted a special audit report on verification of accounts of Pattazhy Devi Kshethra Samrakshana Samithi and the non-submission of accounts by the Sree Devi Vilasam Hindu Matha Convention Chettikulangara before the Honourable High Court of Kerala in DBAR No. 2/2012 on 07.12.12.

Subsequently the Honourable High Court of Kerala vide order dated 28.03.18 in DBAR No. 2 of 2012, DBP No. 120 of 2011 and WPC No. 11411, 16324 of 2011.

directed this office to conduct an audit on the accounts of Pattazhy Devi Kshethra Samrakshana Samithi as well as the additional respondents 6 to 10, 19 and 25 in DBP No. 120 of 2011 to place all the relevant records in relation to the collection and expenditure of the amounts to audit. In the judgement, the Honourable High Court directed the Samithi to hand over fixed deposit, balance amount in bank account and the landed property to the Devaswom. After this order of the Honourable High Court a new Temple Advisory Committee was constituted on 31.01.2019 vide ROC No. 1654/19/NS II dated 31.01.19 of the Commissioner, Travancore Devaswom Board.

In the above circumstances this office conducted an audit of Pattazhy Devi Kshethra Samrakshana Samithi for the period from 17.08.2014 to 11.01.2019 and the report is submitted herewith.

GENERAL REVIEW

On verification of the accounts of Pattazhy Devi Kshethra Samrakshana Samithi for the period from 17.08.2014 to 11.01.2019, it was seen that the major vazhipadus of Pattazhy Devaswom like Kambam, Pongala, Chuttuvilakku vazhipadu etc were carried out by the Samithi. These vazhipadus and ulsavam (sponsorship, auction of temple premise land etc) were the major sources of income of the Samithi. Sealed coupons were issued by Travancore Devaswom Board for Kambam and Pongala vazhipadus. All the collections were accounted in the Daily register through Central Council Receipts. Amount expended using vouchers were also accounted in Daily register. Huge amounts were collected and expended by the Samithi for major Maramath works like covering the Nalambalam and the sanctorum with copper sheets. However no records related to the said works were produced for audit. Assistant Devaswom Commissioner, Kottarakkuda had issued sealed coupons for this purpose. Transactions in this regard were not fully reflected in the Bank Account of the Samithi. Even though audit requisites and enquiries were served to

Receipts, counter foils of used coupons, unused coupons relating to the above works were not furnished.

Receipt and payment accounts, budget etc for audit period were not furnished even after repeated requests. Stock registers of central council receipts, office furniture, utensils etc were also not furnished. Many an expenditure were not seen authorised by the competent authority and not routed through bank. Maramath works like painting and maintenance were carried out in a piecemeal manner which lead to excess expenditure.

RECORDS PRODUCED FOR VERIFICATION

In consequence to the Audit Requisition and Enquiry, the Sub Group Officer, Pattazhy and the office bearers of the Samithi furnished the following records.

1)	Daily Registers and corresponding ledgers from 17.08.13 to 11.01.19
2)	Central Council receipts Receipt No. From 7601 to 14000 [Except 9801- 9900, 10301 - 10500, 10601 - 10900]
3)	Vouchers from 4/14 to 1/19
4)	Ponkala unused coupons <u>1194 ME</u> : Rs. 70 [Book No. 23 - Receipt No. 2232-2300] Rs. 150 [Book No. 9 - Receipt No. 843-900]
5)	Kambam Coupons Rs. 50 [Book No. 26 - Receipt No. 2546-2600] Rs. 100 [Book No. 158 - Receipt No. 15770-15800] Rs. 150 [Book No. 9 - Receipt No. 838-900] Rs. 200 [Book No. 26 - Receipt No. 2555-2600] Rs. 250 [Book No. 13 - Receipt No. 1295-1300] Rs. 500 [Book No. 52 - Receipt No. 5197-5200] Rs. 1000 [Book No. 34 - Receipt No. 3356-3400] Unused Coupons Rs. 2000 [Book No. 5 - Receipt No. 416-500] Rs. 5000 [Book No. 3 - Receipt No. 211-300] Rs. 5000 [Book No. 4 - Receipt No. 303-400] Rs. 10000 [Book No. 2 - Receipt No. 174-200] Rs. 10000 [Book No. 3 - Receipt No. 201-300]
6)	Bank statements of A/c No. 990333361 in Indian Bank, Pattazhy and

1. Records not produced for verification

The following records/details were not produced for verification

even after the repeated requests.

- 1) Receipt and payment account for the period from 2014 to 2019.
- 2) Budget for the period from 2014 to 2019.
- 3) Stock register of central council receipt books.
- 4) Stock register of sealed coupons, counter foils of used coupons and unused coupons of Kambam. Poakala vazhipadu from 2014 to 2019 [except those mentioned in the earlier para).
- 5) Stock register of sealed coupons, counter foils of used coupons and unused coupons with regards to covering copper sheet to Nalambalam and Sreekovil.
- 6) Central council receipts
 - (a) 9801 to 9900
 - (b) 10301 to 10400
 - (c) 10401 to 10500
 - (d) 10601 to 10700
 - (e) 10701 to 10800
 - (f) 10801 to 10900
- 7) Files, M. Book and related documents of paying of copper sheet to Sreekovil and Chuttambalam.
- 8) Cheque Issue Register and Counterfoils of cheques.
- 9) Stock register of office furniture, equipment and other materials.
- 10) Ledgers of oil and other pooja articles relating to Chaturvilakku.
- 11) Details of other Maramath works executed by the Samithi during the audit period.
- 12) Agreement executed by the Samithi for Kambam vazhipadu. light and sound. programme etc.

The Pattazhy Devi Kshethra Samrakshana Samithi should submit the above mentioned records except Sl. No. 7 and the Devasthanam should furnish the records

mentioned in Sl. No. 4, 5 and 7. The Pattazhy Devi Kshethra Samrakshana Samithi and the Devaswom were requested to furnish the records vide Lr. No. 12/244/2019 dated 11.03.2019, Audit Enquiries No. 1/13.03.19, No. 2/14.03.19 and No. 3/14.03.19. For this the Sub Group Officer, Pattazhy had informed that all the available records had been submitted and letters were sent to Assistant Devaswom Commissioner, Kottarakkara and Assistant Engineer, Maramath wing, Kottarakkara to furnish related records which were unavailable in the Devaswom. The Samithi President informed that certain records were in the Samithi office which was sealed by Devaswom on 11.01.19.

2. Verification of receipts

Central Council Receipts were used by the Pattazhy Devi Kshethra Samrakshana Samithi to collect donation from the devotees for various purposes. Daily collection from the sale of various coupons such as Kambam vazhipadus, Pankali vazhipadus etc were also recorded in these receipts. The collection through these receipts were then accounted in the Daily Register (നൂറ്റ് രുഖ്). On verification of the Receipts, the following irregularities were noticed.

3. Verification of Central Council Receipts with Daily Register - Short accounting - Loss Rs. 40,901/-.

On verification of the Central Council Receipts with Daily Register, the following short accountings were noticed.

Sl. No.	Central Council Receipt No. & Date	Item	Amount collected as per central council receipts (RS)	Amount accounted in Daily Register	Short (RS)
01	10936/ 18.03.16	Uthavethara Kambam (ഉത്സവകാലം കമ്പം) receipt on 18.03.16	45,700	5,700	40,000
02	11090/ 13.04.16	Annadhanam Donation	1,001	100	901
				Total	40,901

The above accountings of Rs. 40,901/-

4. Verification of Central Council Receipts—Original and Duplicate receipt missing

On verification of Central Council Receipts and Daily register the original and duplicate copy of the receipt No. 10902/09.03.16 was seen missing in the concerned receipt book and also the collection through this receipt was not accounted in the daily register. Hence the exact amount collected using this receipt could not be ascertained.

5. Central Council Receipts – Not recorded in Daily register

On verification of Daily register, it was noted that the collection through the Central Council receipts No. 10388, 10848 were not accounted in the Daily register. The receipts books bearing the above mentioned receipts were not submitted for audit. In this circumstance audit could not ascertain the unaccounted amount collected using the above mentioned receipts. Samithi may be instructed to submit the concerned receipt books for audit.

6. The amounts and landed property in possession of the samithi – Not handed over to Devaswom Fund – Urgent steps needed.

The following landed property and Bank balances are in the possession of Pattazhy Devi Kshethra Samrakshana Samithi. The Samithi has 67 cents of landed property vide deed No. 2049/2007 dated 13.12.07. As per the bank statements, the Pattazhy Devi Kshethra Samrakshana Samithi has the following amounts in various bank accounts.

Sl. No.	Name of Bank	Account No.	Amount (Rs.)	Date of Entry	Remarks
01	Pattazhy Service Co-operative Bank	303	24,05,176	05.04.18	Under the custody of previous samithi
02	"	FD	75,000	24.03.2018	(prevalent to 28.09.11)
03	Federal Bank, Pattazhy	11300100008052	2,17,622	21.04.14	
04	Indian Bank	000333361	19,138	15.04.14	Under the custody of

Out of this bank balance, an amount of Rs. 17,000/- was transferred to Devaswom account by the present Samithi on 11.01.19 (Indian Bank). The former president of the Samithi has requested to the Secretary Pattazhy Service Co-operative Bank (Sl. No. 1 & 2) and the Manager, Federal Bank, Pattazhy (Sl. No. 3) to hand over the amounts to Devaswom authorities vide letter dated 18.01.19. In the letter dated 16.01.19 to the Assistant Devaswom Commissioner, Kottarakkara the President of the present Samithi has expressed his willingness to hand over the landed property under their possession to the Devaswom. But the remaining amounts except Rs.17,000 - and the landed property haven't been transferred to Devaswom till the date of audit. Honourable High Court of Kerala ordered in WP (C) No.11411 of 2016 dated 28.03.18 to transfer all the records of the accounts and fixed deposits, along with the amount left in the said account to the Devaswom within one month.

Urgent steps needed by Devaswom authorities to get transferred the landed property and the amounts in the bank accounts to Devaswom Fund. The Assistant Devaswom Commissioner, Kottarakkara and Sub Group Officer, Pattazhy should expedite this process and fulfill the orders of Honourable High Court of Kerala in this regard.

Verification of Expenditure

Expenditures were incurred using vouchers and recorded in Daily register. While verifying the expenditure vouchers during this period, the following irregularities were noticed.

7. Kumbha Thiruvathira Ulsavam-'Light & Sound'-Excess payment Rs.10,000/-

During the Kumbha Thiruvathira Ulsavam (1191 ME) light and sound was provided by Valiyaparambil sound, Mylapra, Pathanamthitta, even though there was

verification of these vouchers it was noticed that M/s Vallyaparambil sounds was paid Rs. 1,60,000/- for this purpose. Payment details are given below:

Voucher No. & Date	Amount Paid (Rs)	Amount to be paid (Rs)	Excess Amount Paid (Rs)
446/14.02.16	10,000		
506/21.02.16	1,20,000	1,50,000	10,000
617/12.04.16	30,000		
Total	1,60,000		

Hence this excess payment of Rs. 10,000/- to M/s Vallyaparambil sounds, Mylapra may be recovered from the office bearers of the Samithi and remitted to Devaswom Fund.

8. Sadyalayam service charge – Excess payment Rs. 25,200/-

Even though the Sadyalayam is under the possession of Travancore Devaswom Board, service charge and security deposit for the use of Sadyalayam were seen collected by the Samithi and included in respective dully register (മൗലികം). The same was also seen expended by the Samithi for the said purpose. During verification of the vouchers, the following double payment towards Sadyalayam service charge for the same period was noticed

Sl. No.	Voucher No./ date	Period of service	Amount paid (Rs)	Payee details
01	621/17.5.18	18.8.16 to 16.8.17	25,200	Raja Varan Varan Varan Venu Nalathri
02	649/20.6.18	Do	25,200	Do

Hence the excess payment of Rs. 25,200/- may be recovered from the office bearers of the Samithi and remitted to Devaswom fund.

9. Meena Thiruvathira Kambam Vazhipadu – Non-execution of Agreement – Advance paid – Entire amount lost - Rs. 3,00,000/-

Kambam vazhipadu was the major vazhipadu in Pattarhy Devaswom which was carried out by the Kshethra Samrakshana Samithi. For performing this

d Meenathilventhan. As per the resolution No. 4 in the minutes dated 28.02.16 of the Samithi it was decided to arrange fireworks worth Rs. 6,00,000/- for Venumatham, Thundavila Veedu, Varkala and Sri. Umesh Kumar, Sankha Nivas, Kazhakkuttam were entrusted this work @ Rs. 3,00,000/- each. There was no agreement executed in this regard with both the individuals. For this purpose an amount of Rs. 1,50,000/- each was given as advance to both these contractors.

Details of advance paid are given below

Sl. No.	Voucher No & Date	Name & Address	Amount Paid
01	540/08.03.16	Sri N Venumatham, Thundavila veeedu, Varkala	1,00,000
02	581/27.03.16		50,000
03	546/11.03.16	Sri Umesh Kumar, Sankha Nivas, Kazhakkuttam	1,00,000
04	579/27.03.16		50,000
		Total	3,00,000

The event proposed on 13.04.16 was cancelled in the wake of Pattinagol tragedy occurred on 10th April 2016. Due to the non-execution of agreement with the concerned individuals, the entire advance amount paid i.e. Rs. 3,00,000/- was lost. The loss sustained may be made good from the office bearers of the samithi and remitted to Devaswom Fund.

10. Huge expenses for Court cases against the samithi

On verification of Daily register and vouchers it is noted that huge amounts were spent on legal aid, i.e. for conducting legal cases against the Samithi. Details are given below.

Sl. No.	Voucher No & Date	Particulars	Amount Paid
		<u>1191 ME</u>	
01	8/20.08.15	Advocate fees for case in <u>Parishad Court</u>	4,000
02	659/22.04.16	Advocate fees for case in High Court - amount given to Arun, President Samithi	15,000
03	716/21.03.16	Advocate fees for case in High Court - amount given to A.R. Arun, President Samithi	25,000
04	723/23.05.16	Photocopying charge of legal cases	7,000
05	735/02.06.16	Advocate fees for case in High Court - amount given to A.R. Arun, President Samithi	15,000

1193 ME			
08	28/2.9.17	Advocate fee	5,000
09	120/9.10.17	Advocate fee to Sri. J.Bahuleyan	2,500
10	226/10.12.17	Advocate fee to Sri. J.Bahuleyan	5,000
1194 ME			
11	3/21.08.18	Advocate fee - case in High Court of Kerala	50,000
12	45/21.09.18	"	15,000
13	153/10.12.18	"	15,000
14	164/18.12.18	"	15,000
15	189/08.01.19	"	10,000
		Total	1,98,500

The amount contributed by the devotees in the name of Pattazhy Devaswom was used for entirely different purpose, ie for conducting cases against Samithi, which is inadmissible. Thus the huge amounts spend towards legal cases would have been utilized for the development of Pattazhy Devaswom.

11. Huge expenditure towards Light and Sounds without quotation and agreement – Objected Rs. 15,45,948/-

Huge amounts were spent on light and sound during various festivals and Ponkala as per ledger. These amounts were given to the same person. It is improper to spent large amounts without inviting competitive quotations and executing proper agreement. The following amounts were spent on light and sounds during the audit period.

1191 ME	4,44,248
1192 ME	4,91,200
1193 ME	5,38,500
1194 ME	72,000
Total	15,45,948

An amount of Rs. 15,45,948/- spent on light and sound is held under objection for want of competitive quotation and agreement.

12. Maramath works (Construction of retaining wall besides the path towards Sadyalayam) without quotation and agreement.

A total of Rs. 96,000/- was paid to Sri. Avinash. Nirmalyam, Pattazhy for the construction of retaining wall at path towards Devaswom Sadyalayam. But no was invited in this work. There was also no agreement executed with

The Samithi conducted many Maramath works like this without proper quotation and agreement.

13. Huge amounts were spent on painting

A lot of amount was seen spent on painting works. All these works were done as a piecemeal manner without proper assessment. Details of this expenditure are shown below.

Sl. No.	Voucher No & Date	Name of Contractor	Amount (Rs.)
01	365/01.02.16	N.Madhu,Devi paints	10,000
02	379/03.02.16	"	5,000
03	392/05.02.16	"	5,000
04	423/10.02.16	"	5,000
05	430/12.02.16	"	20,000
06	516/25.02.16	"	6,000
07	536/04.03.16	"	2,000
08	589/31.03.16	"	15,000
09	620/12.04.16	"	18,000
10	818	"	6,350
11	821	"	3,100
12	825	"	2,400
13	837	A.K. Traders	41,000
14	1/17.08.16	General Secretary PDKSS	2,650
15	3/22.08.16	N.Madhu,Devi paints	2,100
16	5/23.08.16	N.Madhu,Devi paints	1,400
17	6/24.08.16	N.Madhu,Devi paints	1,400
18	11/25.08.16	N.Madhu,Devi paints	1,400
19	13/26.08.16	N.Madhu,Devi paints	2,100
20	18/29.08.16	N.Madhu,Devi paints	2,100
21	20/30.08.16	N.Madhu,Devi paints	2,100
22	30/05.09.16	A K Traders Paravur	1,400
23	44/09.09.16	Santosh,Santosh Bharanam	4,800
24	45/09.09.16	N.Madhu,Devi paints	2,100
25	55/10.09.16	N.Madhu,Devi paints	1,400
26	61/12.09.16	N.Madhu,Devi paints	2,800
27	62/12.09.16	N.Madhu,Devi paints	1,260
28	92/08.10.16	N.Madhu,Devi paints	3,000
29	133/04.11.16	N.Madhu,Devi paints	4,000
30	525/18.04.17	ASI Traders	4,000
Total			1,73,760

The fund of the Samithi could have been saved if all these piecemeal works were done as a single work, after assessing requirements through quotation/tender and after executing proper agreements.

14. Exorbitant Expenditure towards Ponkala Advertisement

High amounts were seen spent on the advertisement of Ponkala (1191
1192 ML). Details are shown below.

Sl. No.	Voucher No. & Date	Details	Amount (Rs.)
01	265/24.12.15	Flex boards	30,000
02	266/24.12.15	Ponkala coupon distribution	4,000
03	292/31.1.16	Coupon printing	8,000
04	299/03.01.16	Flex board printing	10,000
05	304/06.01.16		10,000
06	309/09.01.16		10,000
07	310/10.01.16		15,000
08	320/16.01.16	Advertisement	2,000
09	327/19.01.16		2,000
10	333/23.01.16	Printing of stickers	15,000
11	336/23.01.16	Advertisement in local channel	4,000
12	337/24.01.16	Announcement	3,900
13	341/26.01.16	Ponkala Inaugurating Notice printing	7,500
14	394/05.02.16	Announcement	1,800
15	401/07.02.16		6,900
16	413/07.02.16	Advertisement in local channel	1,000
17	588/31.03.16	Flex board	6,000
18	603/07.04.16		2,250
19	741/05.06.16		8,100
20	144/15.11.16	Ponkala advertisement	800
21	150/16.11.16	Announcement vehicle	
22	155/18.11.16	Flex printing	1,700
23	169/24.11.16	Ponkala Announcement	6,500
24	180/30.11.16	Notice Printing	5,300
25	205/15.12.16	Flex Printing	15,000
26	244	Flex Printing, transportation	10,000
27	245/07.01.17	Flex Printing	3,500
28	250/09.01.17		560
29	255		5,000
30	266/21.01.17	Advertisement Flex boards	4,000
31	267/21.01.17	Ponkala advertisement	7,000
32	301/01.02.17		7,500
		Ponkala advertisement	22,500
		Total	2,16,810

An amount of Rs. 2,16,810/- was spent on the advertisement of Ponkala for two years. This extravagant expenditure shows that the Samithi lacks financial propriety while handling the fund of the Samithi.

lapses on the part of Devaswom officials in furnishing records

There is serious lapse on the part of Devaswom officials especially from Assistant Devaswom Commissioner, Kottarakkara in providing records for audit. Audit Enquiry No. 01 dated 13.03.19 and Audit Enquiry No. 02 dated 14.03.19 were served to Assistant Devaswom Commissioner, Kottarakkara through Sub Group Officer, Pattazhy for producing the details of the sealed coupons for copper sheet covering of Sreekovil and Nalambalam and Kambam and Ponkala vazhipadu items. Stock register of receipts, Receipts and Payments accounts, counterfoils of used coupons, unused tickets, etc were requested vide above mentioned enquiries. In the reply to Audit Enquiry No. 1, the Sub Group Officer, Pattazhy stated that details have been sought from Assistant Devaswom Commissioner Kottarakkara. But Assistant Devaswom Commissioner, Kottarakkara has neither furnished any documents demanded nor provided any reply in this regard. Assistant Devaswom Commissioner, Kottarakkara should have obtained all the above documents of each year before sealing the coupons for the following years. Hence there is serious lapse on the part of Assistant Devaswom Commissioner, Kottarakkara in furnishing records.

16. Advances pending adjustments

On verification of daily register and vouchers it was noticed that a lot of advances were given. But these advances haven't been settled. Details of advances given are shown below.

Sl. No.	Voucher No. & Date	Purpose	Recipient	Amount (Rs.)
01	502/21.02.16	For arranging food during Kumbha thiruvathira festival 2016	Sri. Sethulal, Convener Food Committee	30,000
02	523/20.02.16	"	"	5,500
03	565/17.03.16	For Kambam license	Sri. Sambu, Convener Kambam Committee	7,000
04	578/25.03.16	"	"	5,000
05	585/29.03.16	"	"	6,000
06	641/14.04.16	For arranging food during Meenu Thiruvathira Festival 2016	Sri. Sethulal, Convener of Food Committee	20,000

07	658/19.04.16	Annadhanam Preparation	"	30,000
08	665/25.04.16	"	"	6,000
09	815/09.08.16	Ramayanamasam Karkidaka Kanji arrangement	"	32,000
			Total	1,41,500

These advances haven't been seen settled. Steps may be taken to settle this advance or recover the unsettled amount from the office bearers responsible.

17. Huge amounts spent on vehicle Hire charges

On verification of daily register and expenditure vouchers, lot of amounts were seen spent on vehicle hire charges. Certain examples are shown below.

Sl. No.	Voucher No. & Date	Purpose	Amount (Rs.)
01	31/31.08.15	High Court Emakulam	4,500
02	82/25.09.15	Navayikulam Devaswom to see the paintings work related to providing copper sheet to Nalambalam	2,300
03	83/25.09.15	To attend hearing of Devaswom Commissioner	3,400
04	378/03.02.16	TDB office related Pongala and Ulsavam matters	6,000
05	578/1.3.15	Vehicle charge in connection with meenakambam	3,800
06	242/18.1.14	High Court Emakulam	5,000
07	998/6.8.14	TDB Office	2,000
08	1028/13.8.14	TDB Office	2,300
09	900/17.7.15	TDB Office	2,300
10	880/1.7.15	High Court Emakulam	5,000
11	928/30.7.15	TDB Office	2,300
12	796/13.5.15	High Court Emakulam	4,500
13	874/27.6.15	TDB Office	2,800
14	950/7.8.15	TDB Office	2,800
15	20/28.8.17	TDB Office	2,000
16	69/21.9.17	Travelling expense paid to Sri. Suresh Gopi in connection with Nalambalam inauguration	10,000
17	84/26.9.17	Travelling expense for inviting Sri.Suresh Gopi in connection with Nalambalam inauguration	6,400
18	293/25.1.18	TDB Office	2,700
19	322/6.2.18	TDB Office	1,500

As per the ledger of 1191 ME (17.08.15 to 16.08.16) an amount of Rs. 53,070/- was spent on vehicle hire charges. Samithi could have been taken more financial propriety in incurring such expenses.

18. Office equipments purchased and other valuables - not handed over to Devaswom authorities.

On verification of daily register and vouchers, it was noticed that Samithi had purchased office equipments like inverter, computer, modem etc. Details are given below.

Sl. No.	Voucher No. & Date	Item	Amount (Rs.)
01	116/08.10.15	Computer	25,000
02	170/03.11.15	Modem	2,000


Inverter was purchased before audit period

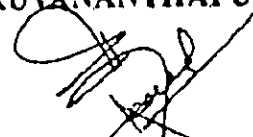
Details of items handed over by the earlier Samithi to Sri. K.R. Karmachandran Pillai, General Secretary of the Samithi on 10.02.12. (As per the acknowledgement receipt furnished by the president of earlier Samithi Sri. C. Gopalakrishnan Nair).

- 1) Gold chain (1)
- 2) Earring parts (2)
- 3) Silver item (12)
- 4) Astabandham (4)
- 5) 90 gm Silver (2 Nagapathi)
- 6) Computer and Printer

All these items were not seen handed over to Devaswom Board. Devaswom authorities should take necessary steps to get all these items handed over to Devaswom.

Dated this the 25th day of June 2020.


JOINT DIRECTOR
KERALA STATE AUDIT DEPARTMENT
TRAVANCORE DEVASWOM BOARD AUDIT
THIRUVANANTHAPURAM



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Ex.T.R. (A)

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സ്ഥലി ശരണം

തിരുവിതാംകൂർ ദേവസ്വം ബോർഡ് സെക്രട്ടറിയുടെ നടപടിക്രമം
(സാന്നിധ്യം വി.എസ്.ജയകുമാർ)

സംഗ്രഹം

കൊട്ടാരക്കര ഗ്രൂപ്പിലെ പട്ടാഴി, മാവേലിക്കര ഗ്രൂപ്പിൽപ്പെട്ട ചെട്ടികുളങ്ങര ദേവസ്വങ്ങളിൽ പുതിയ ഉപദേശക സമിതി രൂപീകരിക്കുന്നതിന് ദേവസ്വം കമ്മീഷണറെ ചുമതലപ്പെടുത്തി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

നടപടി ഉത്തരവ് നമ്പർ.14177/12/എൻ.എസ്. നന്തൻകോട്, 04 /03/2016.

- പരാമർശം:
1. ലോക്കൽഫണ്ട് ആഡിറ്റ് ഡയറക്ടർ 7.1.2012 ൽ DBAR 2/2012 ൽ ബഹുമാനപ്പെട്ട ഹൈക്കോടതിയിൽ സമർപ്പിച്ച സ്പെഷ്യൽ റിപ്പോർട്ട്.
 2. ദേവസ്വം കമ്മീഷണറുടെ 20.12.2012 ലെ ആർ.ഒ.സി.37/10/സ്യൂട്ട്/എൻ.എസ്.2 നമ്പർ റിപ്പോർട്ടുകൾ.
 3. 24.6.2015 ലെ ആർ.ഒ.സി.14177/12/എൻ.എസ് നമ്പർ നടപടി ഉത്തരവ്.
 4. കൊട്ടാരക്കര അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണറുടെ 20.8.15 ലെ 2028 നമ്പർ റിപ്പോർട്ട്.
 5. മാവേലിക്കര അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണറുടെ 22.8.2015 ലെ 127-ാം നമ്പർ റിപ്പോർട്ട്.
 6. 14.9.15 ലെ ആർ.ഒ.സി.14177/12/എൻ.എസ് നമ്പർ ബോർഡുത്തരവ്.
 7. ദേവസ്വം കമ്മീഷണറുടെ 1.10.15 ലെ ആർ.ഒ.സി. 37/10/ സ്യൂട്ട്/എൻ.എസ്.2 നമ്പർ റിപ്പോർട്ട്.

ഉത്തരവ്

കൊട്ടാരക്കര ഗ്രൂപ്പിലെ പട്ടാഴി ദേവസ്വത്തിൽ പ്രവർത്തിക്കുന്ന പട്ടാഴി ക്ഷേത്രസംരക്ഷണ സമിതിയുടെ കണക്കുകൾ ലോക്കൽഫണ്ട് ആഡിറ്റ് നടത്തിയ റിപ്പോർട്ടും, ചെട്ടികുളങ്ങര ദേവസ്വത്തിൽ ബോർഡിന്റെ ബൈലാ പ്രകാരം ഉപദേശക സമിതി രൂപീകരിച്ചിട്ടില്ലെന്നും, എന്നാൽ ഭക്തരിൽ നിന്നും സ്വീകരിക്കുന്ന തുക ഉപയോഗിച്ച് ശ്രീദേവീ വിലാസം ഹിന്ദുമത കൺവെൻഷൻ എന്ന സംഘടന ഉത്സവവും അന്നദാനവും മറ്റും നടത്തുന്നതായി കണ്ടതിനെ തുടർന്ന് കണക്കുകൾ ഹാജരാക്കുന്നതിന് പല പ്രാവശ്യം ആവശ്യപ്പെട്ടെങ്കിലും ഹാജരാക്കിയില്ലെന്നും വിവരിച്ച് DBAR 2/2012 ആയി സ്പെഷ്യൽ റിപ്പോർട്ട് ലോക്കൽഫണ്ട് ആഡിറ്റ് വിഭാഗം ബഹുമാനപ്പെട്ട ഹൈക്കോടതിയിൽ സമർപ്പിച്ചു. (പരാമർശം.1)

ഇതേ തുടർന്ന് പട്ടാഴി ദേവസ്വത്തിലെ ക്ഷേത്ര സംരക്ഷണ സമിതി, ചെട്ടികുളങ്ങര ദേവസ്വത്തിലെ ശ്രീദേവീ വിലാസം ഹിന്ദുമത കൺവെൻഷൻ എന്നീ സംഘടനകളെ ഉപദേശക സമിതികൾക്ക് പകരമായി ഔദ്യോഗികമായി അംഗീകരിക്കുവാൻ കഴിയുമോ എന്ന വിഷയത്തിൽ ബോർഡിന്റെ അഭിപ്രായം അറിയിക്കുന്നതിന് DBAR 2/2012 നമ്പരിൽ 13.7.2012 ൽ ബഹുമാനപ്പെട്ട ഹൈക്കോടതിയിൽ നിന്നും ഉത്തരവായതിനെ തുടർന്ന് ടി സമിതിയുടെ ബൈല സമർപ്പിക്കുന്നതിന് 25.8.12 ൽ നോട്ടീസ് നൽകുകയും അപ്രകാരം ലഭിച്ച ബൈലകൾ ദേവസ്വം ബോർഡിന്റെ ബൈലയുമായി യോജിച്ച് പോകുമോയെന്നത് സംബന്ധിച്ച് ലാ ആഫീസറുടെ അഭിപ്രായം വാങ്ങിയതിൽ, ടി സമിതികളുടെ ബൈലകളിൽ തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിനെപ്പറ്റിയോ, ബോർഡിന് ടി സമിതികളിൽ ഏതെങ്കിലും തരത്തിലുള്ള നിയന്ത്രണം ഉള്ളത് സംബന്ധിച്ചോ യാതൊരു പരാമർശവും ഇല്ലായെന്നും, ടി സമിതികൾ ഹാജരാക്കിയിട്ടുള്ള ബൈലകൾ പ്രകാരം ടി സമിതികളെ തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റെ നിയന്ത്രണത്തിൽ കൊണ്ടുവരുവാൻ സാധിക്കുകയില്ലായെന്ന് അഭിപ്രായപ്പെട്ടിട്ടുള്ള സാഹചര്യത്തിൽ പുതിയ ഉപദേശക സമിതി രൂപീകരിക്കാവുന്നതാണെന്ന് ബഹുമാനപ്പെട്ട ഹൈക്കോടതിയെ അറിയിക്കുന്നതിന് ആവശ്യമായ ഉത്തരവുണ്ടാകണമെന്ന് വിവരിച്ച് 20.12.2012 ൽ ദേവസ്വം കമ്മീഷണറുടെ റിപ്പോർട്ട് ലഭിച്ചു. (പരാമർശം.2)

(മുദ്രപുറം)

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EXTR (a) (2)

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ദേവസം കമ്മീഷണറുടെ റിപ്പോർട്ട് ബോർഡ് പരിശോധിച്ച ശേഷം പട്ടാഴി ദേവീ ക്ഷേത്ര സംരക്ഷണ സമിതി, ചെട്ടികുളങ്ങര ദേവസ്വത്തിലെ ശ്രീദേവി വിലാസം ഹിന്ദുമത കൺവെൻഷൻ എന്നീ സമിതികളുടെ ബൈലകൾ ദേവസം ബോർഡിന്റെ ക്ഷേത്രോപദേശക സമിതികളുടെ ബൈലയിലെ വ്യവസ്ഥകൾ കൂടി ഉൾപ്പെടുത്തി ഭേദഗതികൾ വരുത്തുവാൻ തയ്യാറാകുന്നപക്ഷം ടി സമിതികളെ അംഗീകരിക്കുന്ന കാര്യം ആലോചിക്കാവുന്നതാണെന്ന് തീരുമാനിച്ച ബോർഡ് ഉത്തരവ് പുറപ്പെടുവിച്ചു. (പരാമർശം.3)

ആയതിനെ തുടർന്ന് പ്രസ്തുത സംഗതി സംബന്ധിച്ച് കൊട്ടാരക്കര അസിസ്റ്റന്റ് ദേവസം കമ്മീഷണറിൽ നിന്നും മാവേലിക്കര അസിസ്റ്റന്റ് ദേവസം കമ്മീഷണറിൽ നിന്നും റിപ്പോർട്ടുകൾ ലഭിച്ചു. (പരാമർശം. 4 & 5)

അസിസ്റ്റന്റ് ദേവസം കമ്മീഷണർമാരുടെ റിപ്പോർട്ടുകൾ പരിശോധിച്ച വ്യക്തമായ റിപ്പോർട്ട് ഹാജരാക്കുന്നതിന് ദേവസം കമ്മീഷണർക്ക് നിർദ്ദേശം നൽകി. (പരാമർശം.6)

ടി സംഘടനകളുടെ ബൈലകൾ പരിശോധിച്ചതിൽ പല കാര്യങ്ങളും അംഗീകരിക്കാൻ കഴിയില്ലായെന്നും, അവരുടെ നിലവിലെ ബൈലയിൽ മാറ്റം വരുത്തിയാൽ മാത്രമേ ഇവർക്ക് അംഗീകാരം നൽകുവാൻ കഴിയുകയുള്ളൂവെന്നും ആകയാൽ ഇവരെ ബോർഡ് തലത്തിൽ ചർച്ചയ്ക്ക് വിളിച്ച് ആവശ്യമായ മാറ്റങ്ങൾ വരുത്തുവാൻ സമ്മതിച്ചാൽ മാത്രം അംഗീകരിക്കുന്ന കാര്യം പരിഗണിക്കാവുന്നതാണെന്നും വിവരിച്ച് ദേവസം കമ്മീഷണറിൽ നിന്നും റിപ്പോർട്ട് ലഭിച്ചു. (പരാമർശം.7)

ആയതിൻ പ്രകാരം ചെട്ടികുളങ്ങര ശ്രീദേവി വിലാസം ഹിന്ദുമത കൺവെൻഷൻ ഭാരവാഹികളെ 26.10.2015 നും പട്ടാഴി ക്ഷേത്ര സംരക്ഷണ സമിതി ഭാരവാഹികളെ 29.10.2015 ലും നേരിൽ കേൾക്കുന്നതിന് അറിയിപ്പ് നൽകിയെങ്കിലും പട്ടാഴി ക്ഷേത്ര സംരക്ഷണ സമിതി ഭാരവാഹികൾ മാത്രമേ ഹിയറിംഗിന് ഹാജരായിരുന്നുള്ളൂ. ശ്രീദേവി വിലാസം ഹിന്ദുമത കൺവെൻഷൻ ഭാരവാഹികളിൽപ്പെട്ട 3 പേർ തദ്ദേശ സ്വയംഭരണ തിരഞ്ഞെടുപ്പിൽ മത്സരംഗത്തുണ്ടെന്നും ഹിയറിംഗിന് എത്താൻ സാധിക്കുകയില്ലായെന്നും ഹിയറിംഗ് മറ്റൊരു ദിവസത്തേയ്ക്ക് മാറ്റി വയ്ക്കണമെന്നും അറിയിച്ചതിനെ തുടർന്ന് ഇവരെ 8.2.2016 ൽ നേരിൽ കേൾക്കുന്നതിന് അറിയിപ്പ് നൽകിയെങ്കിലും ഹാജരായില്ല.

ചെട്ടികുളങ്ങര ശ്രീദേവി വിലാസം ഹിന്ദുമത കൺവെൻഷൻ, പട്ടാഴി ക്ഷേത്ര സംരക്ഷണ സമിതി എന്നീ സമിതികൾ അവരുടെ ബൈലം പ്രകാരമാണ് പ്രവർത്തിക്കുന്നത്. ശ്രീദേവി വിലാസം ഹിന്ദുമത കൺവെൻഷൻ ഭാരവാഹികൾ ഹിയറിംഗിന് ഹാജരാകാതിരുന്നതിനാൽ അവർ ബോർഡിന്റെ ക്ഷേത്രോപദേശക സമിതികളുടെ അംഗീകരിക്കപ്പെട്ടിട്ടുള്ള ബൈലയിലെ വ്യവസ്ഥകൾ പ്രകാരം പ്രവർത്തിക്കുവാൻ തയ്യാറല്ല എന്ന് ബോർഡ് നിഗമനത്തിൽ എത്തി. പട്ടാഴി ക്ഷേത്ര സംരക്ഷണ സമിതി ഭാരവാഹികൾ അവരുടെ ബൈലായിൽ മാറ്റം വരുത്താൻ കഴിയുകയില്ലായെന്നും പ്രത്യേക പരിഗണന നൽകി ക്ഷേത്രോപദേശക സമിതിയ്ക്ക് പകരമായി ഇന്നത്തെ നിലയിൽ പ്രവർത്തിക്കുവാൻ അനുവാദം നൽകണമെന്നും അറിയിച്ചിട്ടുള്ളതാണ്. ടി സമിതികളുടെ ഈ നിലപാട് അംഗീകരിക്കാവുന്നതല്ലായെന്ന് കണ്ടു. ടി സമിതികളെ അംഗീകരിക്കുന്നപക്ഷം പല സംഘടനകളും സമാന ആവശ്യം ഉന്നയിക്കുമെന്നതിനാൽ ചെട്ടികുളങ്ങര, പട്ടാഴി ദേവസ്വങ്ങളിൽ ബോർഡിന്റെ നിബന്ധനകൾക്ക് വിധേയമായി ബൈല പ്രകാരം പുതിയ ഉപദേശക സമിതിയെ തിരഞ്ഞെടുക്കുന്നതിന് ദേവസം കമ്മീഷണറെ ചുമതലപ്പെടുത്തി ഉത്തരവാകുന്നു.

തിരുവിതാംകൂർ ദേവസം ബോർഡിനു വേണ്ടി

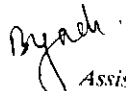
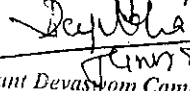
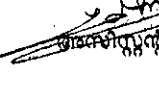
(ഒപ്പ്) സെക്രട്ടറി

പകർപ്പ് :

- 1) ദേവസം കമ്മീഷണർ
- 2) അസിസ്റ്റന്റ് ദേവസം കമ്മീഷണർ, കൊട്ടാരക്കര/ മാവേലിക്കര
- 3) ഹൈക്കോർട്ട് ആഡിറ്റ് സെക്ഷൻ
- 4) സെക്ഷൻ ഹയൽ
- 5) ഫയൽ ബുക്ക്
- 6) അഫീസ് കോപ്പി

3638
20/11/16

Copy forward to Patazhi Subgroup Office

 Assistant Devasom Commissioner
 Kottarakkara

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P. R. RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE R. NARAYANA PISHARADI

WEDNESDAY, THE 28TH DAY OF MARCH 2018 / 7TH CHAITHRA, 1940

DBP.No. 120 of 2011

PETITIONER:

DEVOTEES OF PATTAZHI DEVI KSHETHRAM
PATTAZHI P.O., KOLLAM-691 522.

BY ADV.P. RAMACHANDRAN

RESPONDENTS:

1. TRAVANCORE DEVASWOM BOARD
REPRESENTED BY THE SECRETARY, NANTHANCODE,
THIRUVANANTHAPRUAM-695 003.
2. THE DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD,
NANTHANCODE,
THIRUVANANTHAPRUAM-695 003.
3. THE ASSISTANT DEVASWOM COMMISSIONER
TRAVANCORE DEVASWOM BOARD, KOTTARAKKARA.
4. THE DEVASWOM OFFICER
PATTAZHI DEVI TEMPLE,
PATTAZHI P.O., KOLLAM-691 522.
5. THE SECRETARY
PATTAZHI DEVI KSETHRA SAMRAKSHANA SAMITHI,
PATTAZHI P.O., KOLLAM-691 522.
- ADDL. 6. C. GOPALAKRISHNAN NAIR [PRESIDENT]
KULANJIKOMBIL VEEDU, ERATHUVADAKKU
PATTAZHI P.O.
- ADDL. 7. PUTHUSSERI GOPALAKRISHNAN [GENERAL SECRETARY]
PUTHUSSERIL, NADUTHERI, PATTAZHI P.O.
- ADDL. 8. B. HAREESH KUMAR [TREASURER]
HAREESH MANDIRAM, CHELIKKUZHI P.O.
- ADDL. 9. K.G. REMANAN [VICE PRESIDENT]
AYIROOR VADAKKETHIL, THAZHATHU VADAKKU P.O.
PATTAZHI VADAKKEKKARA.
- ADDL. 10. B. DINESH KUMAR [JOINT SECRETARY]
PADMALAYAM, METHUKUMMEL, THAZHATHUVADAKKU P.O.

[CONTD....]

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- ADDL. 11. G. PRABHAKARAN PILLAI
DEVIPRABHA, THAZHATHUVADAKKU P.O.
PATTAZHIVADAKKEKKARA.
- ADDL. 12. R. MADHUSOODANAN PILLAI
RAMAMANGALATH, CHELIKKUZHI P.O.
- ADDL. 13. R. HAREESH
MURANGAPPATTIL KIZHAKKETHIL
MAALLOOR P.O.
- ADDL. 14. R. CHANDRASEKHARAN NAIR
THOTTATHIMALAYIL, KRISHNA
PANTHAPLAVU P.O.
- ADDL. 15. V. OMANAKUTTAN PILLAI
AMBAZHVELIL, MAALLOOR COLLEGE P.O.
- ADDL. 16. K.R. KARMACHANDRAN PILLAI
KAVITHA, MARUTHAMAN BHAGOM
THEKKETHERI P.O., PATTAZHI.
- ADDL. 17. T. BALAKRISHNAN
KRISHNAVILAS, THEKKETHERI P.O.
PATTAZHI.
- ADDL. 18. G. KRISHNAKUMAR
SARASWATHIVILASOM
KANNIMEL, PATTAZHI P.O.
- ADDL. 19. MOHANACHANDRAN
THAZHEPURAYIL, THEKKETHERI P.O.
PATTAZHI.
- ADDL. 20. K. RAVEENDRAN NAIR
GOKULAM, KANNIMEL, PATTAZHI P.O.
- ADDL. 21. C. RAVEENDRAN NAIR
THONDALIL VEEDU
MEENAM, PATTAZHI P.O.
- ADDL. 22. R. MOHANACHANDRAN
SANKARAMANGALAM
KANNIMEL, PATTAZHI P.O.
- ADDL. 23. K. PREMKUMAR
DARSANABHAVAN
CHELIKKUZHI P.O.
- ADDL. 24. GANESH KUMAR
NANDANAM, ARATTUPUZHA
PATTAZHI P.O.
- ADDL. 25. K. SURENDRAN PILLAI
NELLUVELIL PUTHENVEEDU
PANTHAPLAVU P.O.

[CONTD....]

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ADDL. 26. SASIDHARAN PILAI
BINDU BHAVAN
MAALLOOR COLLEGE P.O.
PATTAZHI VADAKKEKKARA.

* [ADDL. RESPONDENTS 6 TO 26 ARE IMPEADED AS PER ORDER DATED
08.08.2012 IN DBP NO.120 OF 2011]

BY ADVS. SRI.G.BIJU, SC, TRAVANCORE DEVASWOM BOARD
SRI.K.SHAJ
SRI.SAJJU.S
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.S.SREEKUMAR (SR.)
SRI.D.SREEKUMAR, SC, TDB
SRI.R.KRISHNAKUMAR, SC, TDB

BY SENIOR GOVERNMENT PLEADER SRI.T.K. ANANTHAKRISHNAN

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON 28-03-2018,
ALONG WITH ALONG WITH DBAR NO. 2/2012, DBA NO.5/2016, WP(C) NOS.11411 &
16324 2016, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

DBP.No. 120 of 2011

APPENDIX

PETITIONER'S EXHIBITS :- NIL

RESPONDENTS' EXHIBITS:-

ANNEXURE R6A - WORKING REPORT AND BUDGE FOR THE YEAR 1187-1188. M.E.

//TRUE COPY//

P.A. TO JUDGE

sp

**P.R. RAMACHANDRA MENON
&
R. NARAYANA PISHARADI, JJ.**

**D.B.P. Nos.120 of 2011, D.B.A.R. No.2 of 2012,
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Dated this the 28th day of March, 2018

JUDGMENT

P.R. Ramachandra Menon, J.

The issues involved in these matters are closely interlinked and hence they are dealt with together.

2. WP(C) Nos.11411 & 16324 of 2016 are filed by the petitioners, mainly in furtherance to their claim to recognize them in place of the Temple Advisory Committee to be constituted under Section 31A of the Travancore Cochin Hindu Religious Institutions Act, 1950 [herein after referred to as the TCHRI Act]. It is based on the enabling provisions under the Statute, the writ petitioners seek to set aside Ext.P8 order passed by the Devaswom on 04.03.2016, whereby the claim was repelled, holding that the bye-laws produced by the petitioners were not

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properly amended, to be in conformity with the model bye-laws issued by the Devaswom. It is brought on record that the petitioner in WP(C) No.11411 of 2016 was never present for the hearing on different occasions, despite the chance given to make appropriate submissions.

3. DBA No.5 of 2016 has been filed by the Devaswom Board mainly seeking for police protection to elect the members of the Temple Advisory Committee in accordance with law.

4. DBP No.120 of 2011 is pursuant to the Report No.129/2011 dated 11.07.2011 submitted by the learned Ombudsman, based on a complaint preferred against the Pattazhi Devi Temple Kshethra Samrakshana Samithi, mainly in respect of the deeds or misdeeds, in relation to the affairs of the Temple.

5. DBAR No.2 of 2012 is based on the report dated 07.01.2012 submitted by the Joint Director, Local Fund Audit, Travancore Devaswom Board in respect of the lapses as to the affairs of the Pattazhi Devaswom and Chettikkulangara Devaswom, adverting to the immediate remedial measures to be taken.

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6. Coming to the prayers raised by the petitioners in the writ petitions, the learned counsel for the petitioner in WP(C) No.11411 of 2016 submits that in the earlier round of litigation, a direction was issued by this Court as per Ext.P3 order dated 13.07.2012 in DBAR No.2 of 2016, directing the Travancore Devaswom Board to consider whether the Committees of the Pattazhi and Chettikkulangara Devaswoms [about whom reference is made by the Local Fund Audit] could be treated as Temple Advisory Committees in terms of the statutory provisions under the TCHRI Act. It was also observed that, if the Board agreed to this suggestion and passed an order in that regard, obviously the Board would have to be consulted by those Committees and transparency in accounting could be proved with the intervention of the Local Fund Audit, to audit the accounts of the Committees with respect to the funds collected for the Temple.

7. On going through the proceedings, it is seen that the Devaswom Board had issued Ext.P4 order on 24.06.2015 holding that the existing bye-laws of the above writ petitioners [whose

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case was referred to in Ext.P3 order dated 13.07.2012 in DBAR No.2 of 2016], was not in conformity with the model bye-laws issued by the Travancore Devaswom Board and approved by this Court. If the above 'Samithies' were prepared to amend their bye-laws incorporating appropriate provisions, in terms of the model bye-laws issued by the Travancore Devaswom Board [so as to vest control with the Devaswom Board to deal with the accounts and affairs], the matter of recognition to be extended to the Committee as Temple Advisory Committee could be considered. It is pointed out that, pursuant to the said order, Ext.P5 bye-law was submitted in respect of the Chettikkulangara Temple. In respect of Pattazhi Temple Ext.P1 existing bye-law itself was having adequate representation for the Devaswom Board. A hearing was scheduled by the Devaswom and Ext.P6 notice was issued in this regard to appear on 26.05.2015. Because of some inconvenience, adjournment was sought for and the hearing was adjourned as per the notice dated 09.10.2015, instructing the petitioner to appear on 29.10.2015. It is conceded that the petitioner in WP(C) No.11411 of 2016 could not appear

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on that day as well and hence further adjournment was sought for as per Ext.P7. It was in the said circumstance, that the matter was finalised by the Devaswom as per Ext.P8 order dated 04.03.2016, referring to the lapse on the part of the petitioner in WP(C) No.11411 of 2016 in not appearing for hearing and for not amending the bye-law in conformity with the model bye-laws, whereby recognition could not be given. For the very same reason, as to the lack of incorporation of appropriate Clause in terms of the model bye-laws in the existing bye-law of Pattazhi Devi Temple, a finding was arrived at that the petitioner in WP(C) No.16324 of 2016 also could not be recognized as a Temple Advisory Committee, leading to rejection of the request, which forms the main subject matter of challenge in both the writ petitions.

8. The learned counsel for the petitioners submits that the lapse on the part of the petitioners is not wilful and that the petitioners were all the more ready to submit the accounts to be audited by the Devaswom and that the observation to the contrary is not correct. It is stated that the petitioners are ready

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even now, to abide by the instructions to be given by the Board in this regard and to maintain utmost transparency in accounts, which could be caused to be audited by the Local Fund Audit. The learned counsel further submits that the bye-law submitted by the petitioner as Ext.P5 has not been scrutinized by the Devaswom Board while passing Ext.P4 in WP(C) No.11411 of 2016. Same is the position, with regard to Ext.P1 in the other case WP(C) No.16324 of 2016; submits the learned counsel.

9. The learned Standing Counsel appearing for the Devaswom submits that, in view of the submissions made by the learned counsel for the petitioners that they are ready to make themselves amenable to the supervision of the Board and also to have the Accounts audited by the Local Fund Audit, if they submit revised bye-law, strictly in conformity with the model bye-laws issued by the Board incorporating relevant Clauses, the question of recognizing the petitioners as Temple Advisory Committee in terms of the Statute could be considered, notwithstanding the fate already resulted by way of Ext.P8.

10. In the said circumstances, the petitioners are given one

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month's time to submit revised bye-laws before the Devaswom Board in conformity with the terms of the model bye-laws issued by the Board. It shall be open for the Board to point out the lapses/defects, if any, upon which, the petitioners would effect further corrections/modifications, wherever necessary. The proceedings shall be finalised after affording an opportunity of hearing to the petitioners and also to the other interested parties, particularly respondents 6 to 9, 19 & 25 in DBP No.120 of 2011, who have got a contention that, because of the deeds and misdeeds on the part of the petitioners, a proper Temple Advisory Committee has to be elected. The above exercise shall be completed in accordance with law, at the earliest, at any rate, within a period of three months from the date of receipt of a certified copy of this judgment. Both the above writ petitions are disposed of.

11. DBA No.5 of 2016, as mentioned already, is an application filed by the Board for granting police protection for conducting election to the Temple Advisory Committee. As per the interim order dated 24.05.2016, the Bench observed that the

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election scheduled to be held on 25.05.2016 could be conducted and for the time being, the results of the election need not be declared. However, based on the submission made by the learned Government Pleader, that because of the then prevailing situation in the locality, it would be feasible in the larger interest to adjourn the polling, the Bench found it appropriate to direct that the election scheduled to be held on 25.05.2016 would stand adjourned and shall not be held until further orders were obtained from the Court. The matter came up for further consideration before the Bench along with WP(C) No.16324 of 2016, on 01.06.2016, when the sequence of events was noted. Paragraph 6 of the said order passed on 01.06.2016, whereby the earlier order was modified, is in the following terms:

"6. Taking into consideration the effect of order dated 10.05.2016 in WP(C) No.16324 of 2016 and further order dated 18.05.2016 in that case, it is necessary that the polling has to be held. We have gone through the affiliation by-laws of the TAC of the TDB. Having regard to the different clauses which relate to the conduct of election, declaration of results, election of office bearers of the committee etc., we think that the polling in terms of Ext.P11 can be carried out by re-fixing a date for polling. However, the votes polled shall not be counted but shall be retained in

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ballot boxes in safe custody as is ordered herein. The authority to hold the election is the Assistant Commissioner as per the bye-laws. Assistant Commissioner is the authority which issued the notice for election. That authority is at liberty to fix a new date for the polling. As among the candidates, whose nominations have already been accepted, the process of election will be supervised by the Deputy Commissioner, Pathanamthitta as directed by the higher authorities of TDB. Once the polling is over, the Assistant Commissioner will handover the ballot box/boxes to the custody of the Deputy Commissioner, Pathanamthitta, who will retain it in safe custody as may be found appropriate, awaiting further orders of this Court."

12. It is however brought to the notice of this Court by the learned counsel for the petitioners that no election did actually take place on the date on which it was scheduled and the position remains to be the same even as on this day. The Devaswom has filed I.A. Nos.1565 & 1566 of 2016 to accept some additional documents and also seeking for a direction. As per the affidavit in support thereof, it is pointed out that because of the prevailing adverse circumstances, the election could not be conducted on the relevant date. Paragraphs 6 & 7 of the affidavit read as follows:

"6. The Devaswom Commissioner reported the matter to the Board along with the report of

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the Deputy Devaswom Commissioner, Pathanamthitta and the Assistant Commissioner, Kottarakkara. The Board in their meeting held on 29.06.2016 discussed the issue in detail and decided to stop the functioning of the 5th respondent Samithi in the temple and decided to make arrangement for the conduct of ceremonies of the temple directly. The Board also ordered that there is no necessity to constitute Temple Advisory Committee or similar committee for the time being and directed the Devaswom Commissioner to obtain sanction from this Hon'ble Court. The Board also ordered not to grant permission to individuals or Samithi for collecting money from the devotees in the name of the temple in future and to take strict action against those individuals/Samithi for collecting money from the devotees in the name of the temple. The Devaswom Commissioner has been authorised to recover money collected by the Samithi from the devotees in connection with Kamba Vazhipadu and to deposit the amount in Pattazhi Temple Development account and to evict the Samithi from the building situated inside the Nalambalam of the temple. A true copy of the decision of the Board R.O.C.14177/12/N.S. dated 01.07.2016 is produced herein **Annexure-L**. It is submitted that Annexure-L is issued by the Board in the interest of the temple and to prevent the illegal collection of money by the 5th respondent Samithi from the devotees of the temple.

7. The 5th respondent Samithi has collected an approximate amount of Rs.63 lakhs for conducting Kamba Vazhipadu in the temple for the period from 23.05.2015 to 01.04.2016. They did not submit the accounts relating to the collection of amounts from the devotees for conducting Kamba Vazhipadu even though they received the notice on 24.05.2016. It is therefore prayed that this Hon'ble Court may be pleased to approve Annexure-L decision of the Board and to direct the

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5th respondent to submit accounts regarding collection of money from the devotees for conducting Kamba Vazhipadu and to vacate from the building situated near the Nalambalam of the Pattazhi Devi temple."

13. It has been asserted by the Devaswom that a sum of nearly Rs.63 lakhs has been collected by the 5th respondent Samithi therein [who is the petitioner in WP(C) No.16324 of 2016] and that they have not submitted the accounts related with the collection of amounts for conducting 'Kamba Vazhipad', though notice was served to them on 22.05.2016. It is also pointed out that the Devaswom Commissioner has been authorized to recover the money collected by the Samithi from the devotees in connection with the 'Kamba Vazhipad' and to deposit the amount in the Pattazhi Temple Development Account and to evict the Samithi from the building situated inside the Nalambalam of the Temple. A true copy of the said decision of the Board taken on 01.07.2016 has been produced as Annexure-L, which is sought to be accepted by filing I.A. No.1565 of 2016. Prayer in I.A. No.1566 of 2016 is to direct the 5th respondent Samithi, who is the petitioner in WP(C) No.16324 of 2016, to

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submit the Accounts regarding collection of money from the devotees for conducting the 'Kamba Vazhipad' and to vacate the building near the Nalambalam of the Pattazhi Devi Temple in terms of Annexure-L decision of the Board. The learned counsel for the petitioner submits that the petitioner is ready to cause the Accounts to be audited, adding that as per the instructions received, the Accounts till 2014 have been audited by the Local Fund Audit. The learned counsel submits that, whatever amount is left at the hands of the said Samithi will be handed over to the Devaswom forthwith, besides taking appropriate steps to cause the Accounts to be audited, which will of course be subject to the orders to be passed by the Devaswom, as to the recognition sought to be given as Temple Advisory Committee. It is pointed out that, if the Samithi is to be approved as the Temple Advisory Committee, the amounts collected and retained are to be handed over to the Devaswom Board. Same is the position with regard to the property of nearly 65 cents [as reported by the learned Ombudsman as per Report No.46 of 2016 dated 31.03.2016] procured utilising the funds/contributions made by the devotees,

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to be conveyed to the name of the Devaswom. The learned counsel seeks for three months' time to effect the conveyance as above, with liberty to make appropriate suggestions to the Devaswom to make use of the property for the best interest of the Devaswom, the devotees and the deity, for carrying out the developmental measures. The premises now occupied by the 5th respondent, which is stated as within the 'Nalambalam' shall be vacated by the 5th respondent Samithi, who is the petitioner in WP(C) No.16324 of 2016 within six weeks from the date of receipt of a certified copy of this judgment. This however will not be a bar for occupying such other appropriate place, if at all to be allotted by the Devaswom, considering the best interest of the devotees.

The DBA No.5 of 2016 is disposed of accordingly.

14. As mentioned already, DBP No.120 of 2011 came to be registered pursuant to Report No.129 of 2011 dated 11.07.2011 submitted by the Ombudsman, based on the complaint preferred by the devotees of the Pattazhi Devaswom Kshethra Samrakshana Samithi, mainly pointing out that the said Samithi

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is working as parallel to the Devaswom Board, occupying the building and premises of the temple, collecting huge amounts from the devotees and without submitting the proper accounts to be audited by the Local Fund Audit. Various other aspects have also been pointed out in the said report, especially as to the urgent repairs to be effected in the temple, adding that the Devaswom has sufficient money to undertake necessary repairs of Chuttambalam, strong room, floor of the Nalambalam, re-wiring of the entire electrical system etc., especially being a 'PD Temple' where the income generated has to be spent in that Temple itself. It is further pointed out that though the Samrakshana Samithi consists of representatives of several karas and election is to be conducted bi-annually; as per the Vigilance report, political parties are virtually controlling the affairs and that the grievance that the Samithi is working as a parallel Devaswom Board is fully justified. It is further pointed out that, when land is purchased by receiving money in the name of the Deity, it should be purchased in the name of the Devaswom and not in the name of the Samithi. Copy of the Vigilance report has

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been produced as Annexure A, along with the reply of the Samithi as Annexure B. With reference to the facts and figures, the Ombudsman has reported that, as per the proceedings dated 21.03.2011, it was for the Devaswom Board to have taken a decision on the basis of the Vigilance Report. Paragraphs 2 to 6 of the said report are relevant, which are extracted hereunder:

"2. The complaint is against Pattazhi Devi Temple Kshethra Samrakshana Samithi which is said to be working as parallel Devaswom Board. They have opened an office in the temple and are issuing receipts to the devotees and collecting money. Under various heads, they have collected more than one crore of rupees. Employees are posted for good salary to collect amounts from devotees. The booking of the Auditorium can be done only through them and they stipulate various conditions for such booking. Misappropriation of Devaswom fund is alleged.

3. On this complaint, notice was issued to the Devaswom Commissioner, Devaswom Officer and Chief Vigilance Officer. The Vigilance Office has conducted an enquiry and has filed his report. It is stated that there is no organisation known as "Punarudharana Committee" on which address the complaint is filed. Still enquiry was made with regard to the complaint and it is reported as follows.

4. Many of the complaints are found to be true. The Samity is issuing receipts and collecting money. Samithi is conducting important items of vazhipads like Kambam, Chuttuvilakku and Ponkala and lot of money are collected by them. The Muthalkoottu to be paid to the Devaswom are not

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credited correctly. Vazhipads like Chuttuvilakku and Ponkala are to be conducted by the Board directly. The accounts of Kodiarchana has to be audited by a Chartered Accountant. The accounts of Kodiarchana has to be audited by a Chartered Accountant. The furniture and utensils are to be purchased by the Devaswom directly for the marriages in the Sadyalayam. The Chuttambalam and strong room where the Thirumudi are kept are leaking. The wiring system is damaged and there is possibility of mishap happening on account of Kambam. Though tiles over the temple are broken, they are not replaced properly. When Locla Fund Audit wanted their accounts to be audited, they did not permit it saying that it is an independent agency. It is suggested by the Vigilance Officer that major vazhipads like Kambam, Chuttuvilakku and Ponkala shall be conducted by the Board directly.

5. In the reply filed by the Assistant Devaswom Commissioner, it is stated that there is no such Committee called "Kshethra Punarudharana Committee" known to him. It is stated that the Temple Samrakshana Samithi was functioning for the last 30 years and the entire body consists of elected representatives of 50 Karas (.....) are the Samithi. The existence of the Office and two employees in the temple premises for the Samithi is admitted in the reply of the Assistant Devaswom Commissioner. Since the Devaswom has no utensils in the Sadyalayam the Samithi is giving them to the marriage parties on rental basis. The Kambam vazhipad amounts are collected by the Samithi and 10% is paid to the Devaswom as Muthalkoottu. There is decrease in the amount to be received in the Board on account of this practise. The Chuttuvilakku and Ponkala are also conducted by them and some amounts are deposited in the Board as Muthalkoottu. Though Kodi Archana was conducted in the Temple, no accounts were submitted to the Devaswom Board. No joint account

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is started in the Bank in the name of the Devaswom Office and Samithi. But the Samithi has started an account in the Federal bank and they have also purchased 5 cents in their name after receiving donations from the devotees. These were reported to the Assistant Devaswom Commissioner by the Devaswom Officer and according to the Assistant Devaswom Commissioner, these were happening in the temple for long number of years.

6. The Samrakshana Samithi has stated the following in their statement. When there was no sufficient money to meet the day-to-day expenses of the Temple on account of the Land Reforms Act, the devotees organised and the Samithi was formed to see that the Temple affairs are conducted properly. There are 5000 members in the Samithi. But the General Body consists of 231 members elected by these devotees. The Board has allowed the Samithi to do Maramath works in the Temple. Several works are thus completed. The Office of the Samithi gives only festival receipts and other vazhipads are conducted by the Devaswom directly. The Temple tank was cleaned and watchman posted to see that it is not misused. The Auditorium is given on rent by the Devaswom directly. Since there is no place for devotees coming from far off places the Samithi has decided to construct a Guest House after purchasing land for that purpose. The accounts of the Samithi can be subjected to any scrutiny."

No such decision was taken with regard to the grievance projected in the complaint; despite several adjournments given, especially with regard to conducting of 'vazhipadu', which at present, is stated as being done through the Samithi. We do not

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find it necessary to express any opinion in this regard, as to the affairs, but for directing the Devaswom Board to take appropriate action on the basis of the report submitted by the Vigilance Officer to take the proceedings to a logical conclusion. If any offence has been committed either in connection with the funds or such other aspects, it shall be open for the Devaswom/competent authorities to take appropriate action against the person concerned, in accordance with law.

15. Pursuant to the insinuation made against several persons as borne out by the proceedings, the particulars of such persons were directed to be furnished as per order dated 15.02.2012 passed by this Court. It was accordingly, that the addl. respondents 6 to 26 came to be impleaded in the party array. A counter statement was filed by respondents 6 to 10, 19 & 25. Paragraphs 4 & 5 of the said statement are relevant, which read as follows:

"4. In reply to para 5, it is humbly submitted that there are only 2 Karas and not 50 Karas as stated by the Assistant Devaswom Commissioner. There are 21 units in the said 2 Karas. The statement that no joint account is started in the

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bank in the name of the Devaswom Office and Samithy is not correct. A joint bank account is opened in the name of the Devaswom Office and Samithy in the Pattazhy Service Co-operative Bank, Pattazhy and to our knowledge, there is some money in it. It is true that the Samithy has started an account in the Federal Bank, the Samithy has also an account in the Pattazhy Service Co-operative Bank, Pattazhy. In Saving Account No.303 maintained with the Pattazhy Service Co-operative Bank, Pattazhy maintained by the Samithy, an amount of about Rs.18,70,000/- is still deposited apart from a fixed deposit of Rs.75,000/-. In Saving Account No.11300100008052 maintained with the Federal Bank, Pattazhy Branch maintained by the Samithy, an amount of Rs.1,63,656/- is deposited. The savings account books and fixed deposit receipts are with us. We do not have any objection in transferring the same to the Devaswom Board, provided it is used only for the development and benefit of Pattazhi Devi Temple. The statement that the Samithy has purchased 5 cents in its name is not true. 55 cents of property was purchased by the Samithy, but the same was not purchased during our tenure. It was purchased in the year 2008.

5. In reply to para 8, we submit that the Samithy consist of representative of 2 karas and 21 units therein. Election is not conducted annually. It is conducted once in two years as per the byelaw of the Samithy. There subsists an election dispute in respect of the election to the Samithy conducted in the year 2011-2012 and two civil cases are also pending in Munsiff's Court, Punalur. It is humbly submitted that it is very unfortunate that the present Samithy office bearers have illegally spend Rs.61,058/- out of the funds of the Samithy and which is shown in the Working Report and Budge for the year 1187-1188

D.B.P. Nos.120 of 2011, D.B.A.R. No.2 of 2012,
D.B.A. No.5 of 2016, WP(C) Nos.11411
&
16324 of 2016

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*M.E. The true copy of the Working Report and Budge for the year 1187-1188 M.E. is produced herewith and marked as **Annexure-R6A**. That apart, an amount of Rs.50,000/- has also been illegally withdrawn by the present Samithy office bearers from Saving Account No.303 maintained with the Pattazhy Service Co-operative Bank, Pattazhy maintained by the Samithy. The present Samithy is now illegally collecting money from the devotees by issuing illegal receipts."*

16. In view of the assertion made in paragraph 4 of the statement, all the records in respect of the accounts and Fixed Deposits, along with the amount left in the said account, shall be caused to be transferred to the Devaswom forthwith, at any rate, within one month. It shall be for the Samithi as well as the addl. respondents 6 to 10, 19 & 25 to place all the relevant records in relation to the collection and expenditure of the amounts to the Local Fund Audit for verification and further steps. This shall also be done within a period of one month. It shall be for the Local Fund Audit/Devaswom Board to pursue further steps, if at all any remedial measures are to be taken in accordance with law. The learned counsel for the respondents fairly submits that, if at all any amount is left with them as referred to in paragraphs 4 & 5 of the statement, the same will be caused to be transferred to

D.B.P. Nos.120 of 2011, D.B.A.R. No.2 of 2012,
D.B.A. No.5 of 2016, WP(C) Nos.11411

&

16324 of 2016

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the Devaswom immediately. This shall be done at the earliest, at any rate, within one month, along with relevant records. The above DBP is disposed of as above.

17. In view of the discussion made above and the directions given, we do not find it necessary to pass any separate orders in DBAR 2 of 2012. It stands closed in terms of the order passed in respect of the other proceedings mentioned above.

All the above matters are disposed of as above.

Sd/-

**P.R. RAMACHANDRA MENON,
JUDGE.**

Sd/-

**R. NARAYANA PISHARADI,
JUDGE.**

//True Copy//

P.A. To Judge

sp/31/03/18



സ്വാമി ശരണം
തിരുവിതാംകൂർ ദേവസ്വം ബോർഡ്
 അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണർ ആഫീസ്,കൊട്ടാരക്കര.
 ഫോൺ-0474-2454781, ഇ-മെയിൽ -acktrtdb@gmail.com

നമ്പർ : 4520

തീയതി - 15/07/2020

സെക്രട്ടറി,
സർവ്വീസ് സഹകരണം സംഘം,
പട്ടാഴി.

സർ,

വിഷയം:- കൊട്ടാരക്കര ഗ്രൂപ്പിൽപ്പെട്ട പട്ടാഴി ദേവീക്ഷേത്ര സംരക്ഷണ സമിതിയുടെ പേരിലുള്ള തുക പി.ഡി.പട്ടാഴി ദേവസ്വം അക്കൗണ്ടിലേക്ക് മാറ്റുന്ന സംഗതി സംബന്ധിച്ച്

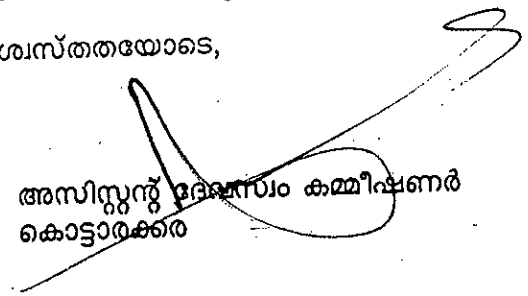
സൂചന:- ദേവസ്വം കമ്മീഷണർ ആഫീസിലെ 17-06-2020-ലെ ആർ.ഒ.സി. 5081/11/എൻഎസ്2 നമ്പർ ഉത്തരവ്

തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റെ ഭരണത്തിലുള്ള പട്ടാഴി ദേവീക്ഷേത്രത്തിൽ മുൻപ് ദേവീക്ഷേത്ര സംരക്ഷണ സമിതി എന്നൊരു സംഘടന പ്രവർത്തിച്ച് വന്നിരുന്നതും ടി സമിതി വശം ഉണ്ടായിരുന്നതായ 30,00,000(മൂപ്പത് ലക്ഷം) രൂപ പട്ടാഴി സർവ്വീസ് സഹകരണ ബാങ്കിൽ നിക്ഷേപിച്ചിട്ടുള്ളതുമാണ്.

പട്ടാഴി ദേവീക്ഷേത്രത്തിൽ പ്രവർത്തിച്ചു വന്നിരുന്ന പട്ടാഴി ദേവീക്ഷേത്ര സംരക്ഷണ സമിതി ബഹുമാനപ്പെട്ട കേരളാഹൈക്കോടതിയുടേയും തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റേയും നിയമങ്ങൾക്കും നിബന്ധനകൾക്കും വിധേയമായി പിരിച്ച് വിട്ട് ക്ഷേത്രോപദേശക സമിതി രൂപീകരിച്ചിട്ടുള്ളതുമാണ്. പ്രസ്തുത സാഹചര്യത്തിൽ ടി ബാങ്കിൽ നിക്ഷേപിച്ചിട്ടുള്ളതായ ടി തുക പി.ഡി.പട്ടാഴി ദേവസ്വം അക്കൗണ്ടിലേക്ക് (അക്കൗണ്ട് നമ്പർ-104-1-25923) ട്രാൻസ്ഫർ ചെയ്യണമെന്ന് ബഹുമാനപ്പെട്ട കേരളാ ഹൈക്കോടതിയുടെ 28-03-2018-ലെ ഡിബി നമ്പർ05/2018 നമ്പർ ഉത്തരവ് ഉണ്ടായിട്ടുള്ളതും, ആയത് സംബന്ധിച്ച് പലപ്രാവശ്യം ബാങ്കിൽ ബന്ധപ്പെട്ടിട്ടുള്ളതും എന്നാൽ ബഹുമാനപ്പെട്ട കേരളാഹൈക്കോടതിയുടേയും തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റേയും ഉത്തരവ് നിലനിൽക്കേ പ്രസ്തുത തുക പട്ടാഴി ദേവസ്വം അക്കൗണ്ടിലേക്ക് ട്രാൻസ്ഫർ ചെയ്തു നൽകുന്നതിലേക്ക് വിവരം അറിയിക്കുന്നതാകുന്നു.

വിശ്വസ്തതയോടെ,

അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണർ
കൊട്ടാരക്കര



സ്വാമിശരണം

തിരുവിതാംകൂർ ദേവസ്വം ബോർഡ്

അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണർ ആഫീസ്, കൊട്ടാരക്കര.
ഫോൺ-0474-2454781, ഇ-മെയിൽ -acktrtdb@gmail.com

നമ്പർ 4547

തീയതി - 23/07/2020

ദി മാനേജർ,
ഫെഡറൽ ബാങ്ക് ലിമിറ്റഡ്,
പട്ടാഴി

സർ,

വിഷയം:- കൊട്ടാരക്കര ഗ്രൂപ്പിൽപ്പെട്ട പട്ടാഴി ദേവസ്വം ക്ഷേത്ര സംരക്ഷണ സമിതിയുടെ പേരിലുള്ള തുക പി.ഡി. പട്ടാഴി ദേവസ്വം അക്കൗണ്ടി ലേക്ക് മാറ്റുന്ന സംഗതിസംബന്ധിച്ച്.

സൂചന:- ദേവസ്വം കമ്മീഷണറാഫീസിലെ 17-08-2020-ലെ ആർ.ഒ.സി.നമ്പർ 5081/11/എൻ.എസ് 2 നമ്പർ ഉത്തരവ് .

തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റെ ഭരണത്തിലുള്ള പട്ടാഴി ദേവീ ക്ഷേത്രത്തിൽ മുൻപ് ദേവീ ക്ഷേത്രസംരക്ഷണ സമിതി എന്നൊരു സംഘടന പ്രവർത്തിച്ചുവരുന്നതും, ടി സമിതി വശം ഉണ്ടായിരുന്നതായ 2,00,000/- (രണ്ട് ലക്ഷം) രൂപ ആ ബാങ്കിൽ നിക്ഷേപിച്ചിട്ടുള്ളതുമാണ്.

പട്ടാഴി ദേവീ ക്ഷേത്രത്തിൽ പ്രവർത്തിച്ചുവരുന്നതായ പട്ടാഴി ദേവീ ക്ഷേത്രസംരക്ഷണ സമിതി ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതിയുടെയും, തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റെയും നിയമങ്ങൾക്ക് നിബന്ധകൾക്കും വിധേയമായി പിരിച്ച് വിട്ട് ഉപദേശക സമിതി രൂപീകരിച്ചിട്ടുള്ളതുമാണ്. പ്രസ്തുത സാഹചര്യത്തിൽ ടി ബാങ്കിൽ നിക്ഷേപിച്ചിട്ടുള്ളതായ ടി തുകപി.ഡി. പട്ടാഴി ദേവസ്വം അക്കൗണ്ടിലേക്ക് (A/C.NO:104-1-25923) ട്രാൻസ്ഫർ ചെയ്യണമെന്ന് ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതിയുടെ 28/03/2018 ലെ DBA.NO:5/2016 നമ്പർ ഉത്തരവ് ഉണ്ടായിട്ടുള്ളതും, ആയത് സംബന്ധിച്ച് പല പ്രാവശ്യം ബാങ്കിൽ ബന്ധപ്പെട്ടിട്ടുള്ളതും, എന്നാൽ ആയത് നാളിതുവരെ തുക ട്രാൻസ്ഫർ ചെയ്ത നൽകിയിട്ടില്ലാത്തതുമാകുന്നു.

ബഹുമാനപ്പെട്ട കേരള ഹൈക്കോടതിയുടെയും, തിരുവിതാംകൂർ ദേവസ്വം ബോർഡിന്റെയും ഉത്തരവ് നിലനിൽക്കെ പ്രസ്തുത തുക ദേവസ്വം അക്കൗണ്ടിലേക്ക് ട്രാൻസ്ഫർ ചെയ്തു നൽകുന്നതിലേക്ക് വിവരം അറിയിക്കുന്നു.

വിശ്വസ്തതയോടെ,

അസിസ്റ്റന്റ് ദേവസ്വം കമ്മീഷണർ,
കൊട്ടാരക്കര.

N. P. PRADEEP

Advocate

Kottarakara

Ph : 9447051255



14-09-2021

NOTICE 21 /2021

This the 14th day of September, 2021, I am issuing this notice to The Secretary, Pattazhi Service Co-operative Bank as instructed and authorized by my client Travancore Devaswom Board, represented by its Secretary, Devaswom Board Office, Devaswom Board Junction, Nandavan, Thiruvananthapuram.

Please take notice that the Pattazhi Kshethra Samrakshana Samithi has maintained an account No.303 in your bank. The amount deposited in that account was ordered to be transferred to the P.D Pattazhi Devaswom account No. 104-1-25923 by the Hon'ble High Court of Kerala as per Order in D.B 5/2016 dated 28-03-2018. The matter was communicated to you by the officials of Pattazhi Devaswom. But you have not transferred the amount. So on 15-07-2020, the Assistant Devaswom Commissioner, Kottarakara has issued a notice on 15-07-2020 for you. But you have not complied with the directions in the same.

Hence you are hereby called upon to transfer the amount kept in A/c No.303 of Pattzhi Kshethra Samrakshna Samithi to the account of the P.D Pattazhi Devwaswom (No104-1-25923)" within 15 days from the date of receipt of this notice, failing which m client will be constrained to take legal steps against you. A copy of the order of the Hon'ble High Court of Kerala in DB 5/2016 -dated 28.03.2018 is enclosed herewith.

(DEV)

N. P. PRADEEP**Advocate****Kottarakara**

Ph : 9447051255



10-09-2021

NOTICE 22 /2021

This the 10th day of September, 2021, I am issuing this notice to The Manager, Federal Bank Ltd., Pattazhi as instructed and authorized by my client Travancore Devaswom Board, represented by its Secretary, Devaswom Board Office, Devaswom Board Junction, Nanthancodu, Thiruvananthapuram.

Please take notice that the 'Skethra Samrakshana Samithi' of Pattazhi Devi Temple with it's President and Secretary is maintaining an account No.11300100008052 with your bank. The amount deposited in that account was ordered to be transferred to the account of the P.D. Pattazhi Devaswom (A/c No.104-1-25923) by the order of the Hon'ble High Court of Kerala in D.B No. 5/2018 dated 28-03-2018. Thereafter the officials of the TDB have approached you for getting the amount transferred to the account of the P.D. Pattazhi Devaswom. On 23-07-2020, the Assistant Devaswom Commissioner, Kottarakara has issued a notice to you for the same purpose. But you have not complied with the directions in that notice and the amount has not yet transferred to the account of the Devaswom Board.

Hence you are hereby called upon to transfer the amount in the A/c No.11300100008052 to the P.D Pattazhi Devaswom in A/c No. 104-1-25923 within 15 days from the date of receipt of this notice, failing which my client will be constrained to take legal steps against you. A copy of the order of the Hon'ble High Court of Kerala in DB.5/2016 dated 28-03-2018 is enclosed herewith.