
(1998) 06 KL CK 0035

In the High Court Of Kerala

Case No : T.D.B. No. 5 of 1998 and C.M.P. No. 13924 of 1998

Swamy Boohananda and Others

APPELLANT

Vs

Secretary, Travancore Devaswom Board, Trivandrum

RESPONDENT

Date of Decision : 26-06-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 1998 Ker 337

Hon'ble Judges : D. Sreedevi, J; A.R. Lakshmanan, J

Bench : Division Bench

Advocate : P.G. Parameswara Panicker, P. Gopal and S.V. Balaksrishna Iyer, for the Respondent

Final Decision : Dismissed

Judgement

Ar. Lakshmanan, J.—The Travancore Devaswom Board, represented by its Secretary filed C.M.P. 13924/-98 to grant permission for having the work of gold covering the roof of the Sree Ayyappa Swami temple at Sabarimala and the allied works undertaken to be done by Dr. Vijaya Mallaya, Chairman of the U.B. Group of Industries, Bangalore. This application was filed during the vacation in view of the urgency mentioned in the affidavit tiled in support of the said petition. It is stated that Dr. Vijaya Mallaya had expressed his desire to gold cover the Sreekovil of the Sree Ayyappaswami Temple at Sabarimal as an offering by him and that the thantri of the temple has given his assent for the work promised to be done by Dr. Vijaya Mallaya. After consulting the Devaswom Commission and the Chief Engineer (Projects) who is in charge of the works at Sabarimala the Board has accepted the offer since the offering was one which would add to the sanctity and solemnity of the temple. The donor has agreed to meet the entire cost of the work and also agreed to have the work executed under the supervision of the Chief Engineer (Projects) of the Board. The donor has also executed an agreement dated 16-4-1998 to do the work which has been produced and marked as Annexure-C. One Mr. Nagarajan of JNR Jewellery,

Chennai has agreed to complete the work within six months. As the work had to commence as earlier as possible so as to complete the entire work well before the commencement of the next Sabarimala festival season, which will commence by the middle of November 1998, and the auspicious day for commencing the work was found to be 15-5-1998, the Devaswom Board moved the Vacation Bench for necessary permission. A Division Bench of the Court, by order dated 30-4-1998, granted permission as applied for.

2. While so, some of the devotees of Lord Ayyappa, who were said to have been upset about the move to change the copper roof of the Sabarimala temple with golden leaves, made a complaint to this Court by their un-dated petition. The addresses of the devotees have not been furnished. According to them, one Mr. V.G.N. Naamboothiri, who is Congress Government nominee in the Board, is said to be the main link for this move and decorating the deity and the temple with costly ornaments and gold is not to be appreciated because the Prathirta of Sabarimala is that of a Yogeeswara. If the temple is covered by golden leaves, armed securities are to be deployed in and around the temple and that the Board will have to spent lakhs of rupees for security arrangements. It is also stated that the intention of the Board is only to thicken the pocket of Mr. Namboothiri. They have also stated that instead of permitting the Company to spend money on this, they may be directed to spend the money earmarked for this for other purposes like water supply, free Annadhanam to the pilgrims and also to make arrangements for temporary sheds.

3. On receipt of the complaint, we issued notice to the Travancore Devaswom Board and directed them to file a counter affidavit explaining their stand in so far as it relates to the complaint. The Secretary of the Board has now filed a detailed counter affidavit explaining the steps taken by the Devaswom Board in this regard. Annexures-A to G have also been produced along with the counter affidavit. We have given our anxious consideration to the permission sought for and the counter affidavit filed by the Devaswom Board with reference to the Annexures filed.

4. The Devaswom Board, after discussions and correspondence with Dr. Vijay Mallaya, who offered to cover the roof of the Sreekovil with golden leaves as an offering, has consulted the Thanthri of the temple and obtained his permission for the work. After consulting the Thanthri. Devaswom Commissioner and the Chief Engineer (Projects), who is in charge of all works at Sabarimala, the Board accepted the offer of Dr. Vijaya Mallaya and acceptance was conveyed to his representative by letter of the President dated 18-12-1997.

5. The works promised to be done by Dr. Vijaya Mallaya are the following ;

"(i) Gold covering of the roof of the Sreekovil by 22 gauge brand new copper sheets of superior quality on which 4 layers of 24 carat gold sheets will be covered;

(ii) Gold plating the three existing thazhikakudams and refixing them;

- (iii) Gold plating the inner brass sheets of the Sreekovil;
- (iv) Gold plating the top of the ceiling above the hundi in front of the Sopanam; and
- (v) For the carpentry work required for the work only seasoned teak wood would be used by the donor in accordance with the directions of the Chief Engineer (Projects)."

The total requirement of 24 carat gold for the work was estimated to be 31.2528 Kgs and copper sheet of 22 gauge to be 1904 Kgs. The total estimated cost of the work is Rs. 1,75,21,153/-. The work was proposed to be got executed by the donor through M/s JNR Jewellers, Mylapore, Madras, who are experts in doing such kinds of temple decoration works. The donor has agreed to meet the entire cost of the work above mentioned. The Devaswom Board passed a resolution on 16-4-1998 authorising the Chief Engineer (Projects) to sign the agreement on behalf of the Board. Mr. A.K. Ravi Nedungadi, Executive Vice President (Finance) of the U.B. Group, who is the authorised representative of the donor, has executed the agreement on 16-4-1998 undertaking to do the work. The Chief Engineering (Projects) was also put in full charge of making arrangements in respect of the work and to oversee the work at Sannidhanam. Annexure-C is the agreement and Annexures D series are the quotations and sketches in connection with the work.

6. We have perused all the Annexures and in particular Annexure-C agreement entered into between the parties. It is seen from the agreement that the Devaswom Board has only to meet supply of electrical energy at the expenses of the Board and accommodation for artisans numbering about 30 to 40. Transportation of the materials, tools, equipments etc. are to be met by the donor. Place for safe storing of valuables and security during the period of work are to be arranged by the Board. This Court, as per the order in TDB 37 of 1997 dated 19-12-1997, directed the Devaswom Board not to make any permanent construction at Sabarimala and Pampa without the prior permission of this Court. Since the work in question had to be commenced on 15-5-1998 before the opening of the Court after mid-summer recess, the Board filed CMP 13924 of 1998 seeking permission to commence the work. A Division Bench of this Court by order dated 30-4-1998, granted permission as prayed for in the petition. After the said order, the Board informed the authorised representative of the donor about the sanction granted and informed him to direct the Jewellers to meet the Devaswom Commissioner and Chief Engineer (Projects) to make arrangements for the work.

7. In this connection, Anunja Kalasa for the works was performed by the Thanthri. This is required for doing any work touching the Sreekovil. The workers and artisans numbering about 45 came to Pampa on 15-5-1998, had their "Irumudikettu" prepared and proceeded to the Sannidhanam and ascended the solemn 18 steps (Pathinettampadi) with the Irumudi and tools. After prayers at

the Sannidhanam they discussed about the work and arranged deployment of their "workers. This was considered to be as token commencement of the work. It is stated that out of 23.329 of gold, 11.664 Kgs was brought on 22-5-1998 and 11.665 Kgs on 12-6-1998. Engraving on copper sheets and melting of gold into thin sheets are now in progress.

8. In the counter affidavit, the Devaswom Board has denied the allegations made in the complaint as untrue and incorrect. The allegation against Mr. Namboothiri that he is gaining a big sum in disconnection is also denied as absolutely untrue and unjustifiable.

9. On going through the entire materials placed before this Court and all the Annexures, we are of the view that the complaint has been made with some ulterior purpose. There is no basis for the complaint that decorating the deity and temple with costly ornaments and gold is not to be appreciated because the Prathirta of Sabarimala is that of a Yogeeswara. As already noticed, the Thanthri who conducts Abhishekam and other Poojas and who is the only competent authority to grant permission, had, in fact, granted permission to change the copper roof by golden leaves. The conception of Sabarimala as a Yogeeswara does not stand in the way of constructing necessary buildings for the temple or beautifying the same. In fact, it is stated in the counter affidavit that Sree Sankaracharya of Kanchi Kamakoti Peedom, H.H; Jayendra Saraswathi had visited the Sabarimala along with the Junior Swami, H.H. Vijayendra Saraswathi and at that time H.H. Jayendra Saraswathi had suggested gold covering of the roof of the Sreekovil of the temple. This was even before the offer made by Dr. Vijaya Mallaya. The flag staff (Kodimaram) of the temple is gold plated. The idol is of "Panchaloha". Lord Ayyappa is having several items of very valuable gold and jewelled ornaments. These ornaments, known as "Thiruvabharanam", are kept at the Pandalam Palace and brought to Sabarimala Sannidhanam on the even of "Makaravilakku" in ceremonial procession. The idol is fully adorned with the ornaments and in "anki" of 24 carat gold. The "anki" is the offering of the Maharaja of the erstwhile State of Travancore. Gold ornaments, jewels, lamps of gold etc. are often received from the devotees by way of offerings. Several pooja vessels of gold are in use in the temple for pooja purposes. Use of vessels of gold for purpose of pooja and nivedyam is considered more solemn and sacred. Like other temples in Kerala, five daily poojas, namely, "Usha Pooja", "Eethirtha Pooja", "Panthieradi", "UchaPooja" and "Athazha Pooja" are being performed in the Sabarimala Temple. Annual festival of 10 days with ceremonies like "Kodiyettu", "Pallivetta" and "Arattu" are being celebrated at the Sabarimala temple. The conception of Lord Ayyappa as "Yogeeswara" has not prevented the performing of traditional poojas and conducting ceremonies and celebrations that are performed in other temples in Kerala. We are of the view that use of gold vessels in the temple and gold covering of the roof of the Sreekovil do not militate against the conception of Lord Ayyappa as "Yogeeswara".

10. No difference of opinion or dissent as regards Board's acceptance of the

offering has been received from any quarters. On the other hand, it has been widely acclaimed and accepted. This Court has also not come across with any complaint except the one received now.

11. The Shrine at Sabarimala is reached after ascending the 18 holy steps known as "Pathinettampadi". The steps are considered so holy that only those who observe the prescribed penance (Vritham) would ascend the holy steps. The steps were of granite. Sometime in the year 1985, the steps were got covered with "Panchaloha" believing that this would all the more increase the sanctity and solemnity of the steps. The offering of "Padipooja" is performed on the holy steps. After ascending the holy steps there is the flag staff (Kodimaram) which is also gold covered.

12. The petition by the complainants is with out any substance or bona fides. The very fact that the complaints have not disclosed their identity itself would show that the petition is made with mala fide intention. The statement of the complaints that they are very old and are unable to appear before this Court and hence not disclosing their addresses is a calculated attempt to prevent this Court from issuing notice to them to appear in Court in the case this Court deem it necessary to summon them. We are of the opinion that there is no irregularity in the acceptance of the offer made by the donor.

13. There cannot be any tenable objection or converting the copper to gold. It will not only add glitter and glamour to the temple roof having regard to the serene atmosphere and surroundings. It is not out of place to point out that in southern districts of Tamil Nadu, many famous like Sree Meenakshiamman Temple at Madurai, Sree Ranganatha Temple at Sreerangam. Tiruchirappally and Sree Venkateswara Temple at Tirupathi in Andhra Pradesh have not only golden roofings but also replica of Vahanams like Horse, Bull (Rishabavahanam), Garudaetc. made in gold and also golden chariots for carrying the principal deity (Urchavar) during festival seasons. Coming nearer home, even the temple at Guruvayur has roof adorned with golden plates. We do not think that there can be sastric injunction for converting the copper roof into golden roof. The Thanthri of the temple has also accorded permission for such conversion. It cannot also be gainsaid that God or Goddess accept the genuine offering of the devotees, be it gold, silver, salt, plantain, jaggery, ghee, oil ect. Merely because a rich devotee out of devotion offers to convert the copper into gold, no different yardstick should be applied by the supreme in the matter of accepting the devotees offerings.

14. As noticed earlier, the former copper sheet covering of the Sreekovil has already been removed and the engraving work of copper and melting of gold bars into thin sheets have also progressed considerably and the donor has brought substantial quantity of copper and gold to the site. If the work is given up or stopped at the instance of the persons who do not disclose their identity, it will result in great hardship and heavy loss to the donor. It will also injure the religious sentiments of the devotees of Lord Ayyappa.

15. Once the gold covering work is completed, it is the duty of the authorities concerned to provide necessary security and in that event spending of monies for security arrangement is inevitable.

16. The complaint is without any merit and is, therefore, rejected.

The Registry is directed to forward a copy of this Order to the Secretary, Travancore Devaswom Board, Trivandrum, free of costs.