

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN  
&  
THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

Thursday, the 8<sup>th</sup> day of June 2023 / 18th Jyaishta, 1945  
DBP NO. 36 OF 2023

IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - VAIKOM SREE MAHADEVA TEMPLE -  
MATTER PERTAINING TO THE PATHETIC CONDITION OF THE COWS KEPT IN GOSHALA OF  
VAIKOM SREE MAHADEVA TEMPLE - SUO MOTU PROCEEDINGS INITIATED BASED ON NEWS  
REPORT APPEARED IN THE MANGALAM DAILY DATED 26/05/2023 OF KOTTAYAM EDITION -  
REG:

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PETITIONER:

SUO MOTU

RESPONDENTS:

1. STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,  
REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT,  
THIRUVANANTHAPURAM - 695001
2. TRAVANCORE DEVASWOM BOARD  
DEVASWOM HEAD QUARTERS, NANTHANCODE,  
THIRUVANANTHAPURAM-695003, REPRESENTED BY ITS SECRETARY
3. DEVASWOM COMMISSIONER  
TRAVANCORE DEVASWOM BOARD, DEVASWOM HEAD QUARTERS,  
NANTHANCODE, THIRUVANANTHAPURAM - 695003
4. ADMINISTRATIVE OFFICER  
VAIKOM SREE MAHADEVA TEMPLE, VAZHAMANA ROAD, VAIKOM,  
KERALA - 686141.
5. TEMPLE ADVISORY COMMITTEE OF VAIKOM SREE MAHADEVA TEMPLE,  
REPRESENTED BY ITS SECRETARY, VAZHAMANA ROAD, VAIKOM,  
KOTTAYAM - 686141.



**\*ADDL.R6 & R7 IMPLEADED**

6. DEPUTY DEVASWOM COMMISSIONER,  
VAIKOM, OFFICE OF THE DEPUTY DEVASWOM COMMISSIONER,  
VAIKOM-686 141
7. ASSISTANT DEVASWOM COMMISSIONER,  
VAIKOM GROUP, OFFICE OF THE ASSISTANT DEVASWOM COMMISSIONER,  
VAIKOM-686 141

**\*ARE SUO MOTU IMPLEADED AS ADDITIONAL RESPONDENTS 6 AND 7 AS PER ORDER DATED 06/06/2023 IN DBP NO.36 OF 2023.**

**BY SRI.S.RAJMOHAN, SENIOR GOVERNMENT PLEADER**

**BY SRI.G.SANTHOSH KUMAR, SC, TRAVANCORE DEVASWOM BOARD**

**BY SRI.P.RAMACHANDRAN, AMICUS CURIAE FOR OMBUDSMAN**

**THE DEVASWOM BOARD PETITION ALONG WITH CONNECTED CASE HAVING COME UP FOR ORDERS AGAIN ON 08/06/2023, UPON PERUSING THE PETITION AND THIS COURT'S ORDER DATED 06/06/2023, THE COURT ON THE SAME DAY PASSED THE FOLLOWING.**

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

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**DBP Nos.57 of 2022 and 36 of 2023**  
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**Dated this the 8<sup>th</sup> day of June, 2023**

**ORDER**

Anil K. Narendran, J.

DBP No.36 of 2023 was registered *suo motu* based on a news item that appeared in Mangalam daily dated 26.05.2023 that there is no proper care for the cows in the Gosala of Vaikom Sree Mahadeva Temple.

2. By the order dated 06.06.2023, this Court directed the Senior Veterinary Surgeon, Government Veterinary Hospital, Vaikom to conduct an inspection in the Gosala of Vaikom Sree Mahadeva Temple on 07.06.2023 at 11.00 a.m, and submit a report before this Court through the learned Senior Government Pleader, as to the health condition of bulls and cows in that Gosala and the remedial measures to be taken. The Assistant Devaswom Commissioner, Vaikom, who is the additional 7<sup>th</sup> respondent in DBP No.36 of 2023 and the Sub Group Officer, Keezhoor Devaswom, who is in charge of the 4<sup>th</sup> respondent Administrative Officer of Vaikom Sree Mahadeva Temple, were directed to take necessary steps for proper disposal of solid waste in the temple premises, including that seen in the 6<sup>th</sup> paragraph of that order, and maintain the entire temple compound clean and tidy. They were also directed to take necessary steps to ensure that the Gosala and the nearby area are also maintained clean and tidy, on 06.06.2023 itself.

3. Today, when the matter is taken up for consideration, the

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learned Senior Government Pleader has made available for the perusal of this Court the report dated 07.06.2023 of the Senior Veterinary Surgeon, Government Veterinary Hospital, Vaikom. In the said report, it is stated that, at present 4 bulls and 3 cows are housed in the Gosala on the rear side of the Prathalpura, which lacks proper ventilation and having poor drainage, slippery and broken floor. The Gosala is close to waste dumping area of the temple, which causes foul odour and fly menace. Lack of proper watering facility and improper cleaning of the shed were also noticed at the time of inspection. Regarding the health condition of the animals, it is stated that out of 3 cows reared in the Gosala, 2 are suffering from fly bite allergy. Currently, the wounds are getting healed with application of medicine. Out of 4 bulls, one bull is desi breed and other 3 bulls are crossbred. One of the crossbred bulls was observed with mixed infection, which is also under treatment. Disease of the animals can be cured with proper and timely application of medicine, which may last for a month or two to prevent recurrence. The health and physique of desi bull is normal, except it has a small wound in the right hind limb which is healing.

4. The remedial measures suggested in the report of the Senior Veterinary Surgeon are as follows;

- "1. A new shed has to be constructed in the available open space adjacent to the present gosala with proper flooring space, ventilation, feeding and drinking/watering facility for the animals with utmost attention for providing proper drainage facility for dung and urine disposal – a biogas plant

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may be constructed to avoid environmental pollution and fly menace as well.

OR

2. Alternatively the existing shed has to be modified and enough wall mounted/ceiling fan may be fixed and the barrier wall between the cow and bull shed may be partially or fully removed to facilitate air passage and remove the odour emanating from the shed.
3. Drinking water facility may be constructed along with repair of damaged floor with proper drainage channels and lighting facilities also. All the seven animals may be fed with concentrated cattle feed or pellets to further improve the health and physique condition.”

5. Having considered the report dated 07.06.2023 of the Senior Veterinary Surgeon and also the submissions made by the learned Senior Government Pleader, the learned Standing Counsel for Travancore Devaswom Board and also the learned Advocate Commissioner, we find that the Board has to take immediate measures to improve the health condition of the bulls and cows in the Gosala and to maintain clean and tidy the surroundings of the Gosala, by conducting periodical cleaning. The learned Standing Counsel for Travancore Devaswom Board to forward a copy of the report dated 07.06.2023 of the Senior Veterinary Surgeon to the Secretary of the Board, today itself.

6. The Secretary is directed to place the report dated 07.06.2023 of the Senior Veterinary Surgeon in the next meeting of the Board.

7. In the meantime, the Deputy Devaswom Commissioner and the Assistant Devaswom Commissioner shall ensure that the cows and

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bulls in the Gosala of Vaikom Sree Mahadeva Temple are taken care properly by the Devaswom staff.

8. The learned Advocate Commissioner would point out that the incinerator in Vaikom Sree Mahadeva Temple is not functioning from the year 2018 onwards.

9. The learned Standing Counsel for Travancore Devaswom Board would submit that the incinerator in the temple is presently not functioning. Alternate arrangement for solid waste management is under consideration of the Board. The learned Standing Counsel seeks time to get instructions on the above issue.

10. Another issue, which is the subject matter of DBP No.57 of 2022, is regarding the discharge of waste water to the temple pond of Vaikom Sree Mahadeva Temple through the discharge pipe seen in the photograph re-produced in paragraph 6 of the order dated 29.05.2023.

11. In the order dated 06.06.2023, this Court noticed the stand taken by the Executive Engineer in the report dated 05.06.2023 that it is an overflow mechanism, in case the water level rises in the temple pond during the rainy season. However, when the water level in the temple pond is lower than that in the municipal sewer, waste water from the municipal sewer flows into the temple pond.

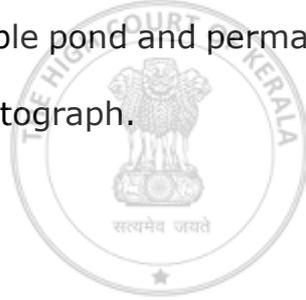
12. By the order dated 06.06.2023, this Court directed the Executive Engineer to find out whether the drainage, as seen from the photograph re-produced in the order dated 29.05.2023 is from the area

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outside the oottupura where the devotees wash their hands, or from the cow shed of the Gosala. Pursuant to the direction contained in that order, the report dated 07.06.2023 of the Executive Engineer is placed on record, along with a memo dated 07.06.2023 of the learned Standing Counsel.

13. From the sketch of the drainage, which forms part of the aforesaid report, we notice that the drainage from the Gosala and Prathalpura is directly connected to the drainage pipe seen in the photograph referred to hereinbefore. It is for the Executive Engineer to take necessary steps to provide an independent drainage for the overflow mechanism from the temple pond and permanently close the drainage pipe seen in the aforesaid photograph.

List on 14.06.2023.



Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**P.G. AJITHKUMAR, JUDGE**

AV/8/6