

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR

&

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 13TH DAY OF NOVEMBER 2019 / 22ND KARTHIKA, 1941

DBP.No.65 OF 2019

(IN THE MATTER OF TRAVANCORE DEVASWOM BOARD - TDB REPORT
NO.46/2019 IN PETITION NO.9/16- APPROVAL OF PRIOR SANTION FOR THE
WORK OF RENOVATION OF SATHRAM BUILDING AT VARANASI, UTTARPRADESH -
SUO MOTU PROCEEDINGS INITIATED - REG.)

PETITIONER:

TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS EXECUTIVE ENGINEER,
ESTATE DIVISION, THIRUVANANTHAPURAM-695001

BY ADV. SRI.K.SASIKUMAR, SC, TDB

RESPONDENT:

THE JOINT DIRECTOR
LOCAL FUND AUDIT,
THIRUVANANTHAPURAM

GP- SMT K.R DEEPA.

THIS DEVASWOM BOARD PETITION HAVING COME UP FOR ADMISSION ON
13.11.2019, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

JUDGMENT

Dated this the 13th day of November 2019

Ravikumar, J

This DBP was registered in the matter of renovation works 'Sathram' building at Varanasi in Uttarpradesh based on TDB Report No.46/2019 in Petition No.9/2019. Evidently, after taking into account the materials on record and hearing the parties the learned Ombudsman made certain suggestions in the report. It is to be noted that earlier this Court as per order dated 08.04.2013 directed the TDB to take steps to ensure that the property in Varanasi is properly maintained. The report would reveal that the said building is virtually in shambles. There is an idol of lord 'Hanuman' consecrated in the quadrangle and daily poojas are being conducted there.

2. There is restriction for effecting new construction on the banks of river Ganga. The building in question situates on the banks of river Ganga. The report would also reveal the site in question was handed over to the Travancore Maha Raja by the

erstwhile Kaashi Raja and therefore, there is a historical importance as regards the building in question.

3. On hearing the learned standing counsel for the Travancore Devaswom Board, the learned Amicus Curiae to the learned Ombudsman for Travancore and Cochin Devaswoms and also the learned Government Pleader and also on perusing TDB Report No.46/2019 we are of the view that the suggestions made by the learned Ombudsman in TDB Report No.46/2019 is only to be accepted. In that report it is suggested thus:-

“In the above background, as stated earlier, with insurmountable difficulties in getting the almost collapsed Sathram building be demolished and reconstructed and in view of the restrictions of future construction, unless the reconstruction is taken up with all sincerity, the whole building may turn to be a waste land, as further construction may not be possible. Hence while considering the above petition, this Honourable Court may direct the Travancore Devaswom Board to get the validation permit updated and extended and to complete the work at the earliest and to file report regarding the progress of the work every three months to ensure that a building which has a history on its own, in a pilgrim city of India is preserved and protected.”

4. We have already taken note of the fact that the site in question where the aforesaid building constructed was handed over to the Travancore Maha Raja by the erstwhile Kaashi Raja. It is also to be noted that the building in question was constructed at 'Kedhar Ghat' on the banks of river Ganga. Taking into account all such circumstances as revealed from TDB Report No.46/2019 we have absolutely no hesitation to hold that the building in question has to be preserved properly. But, at the same time, the fact is that since it is in shambles, virtually, no renovation of the building could be effected. In this context it is to be noted that the building in question was constructed in the year 1800. We have also noted earlier that there is restriction to effect new construction in the bank of river Ganga. But, at the same time, in view of the actual facts obtained in this case that it is almost in a collapsed condition unless reconstructed the entire land wherein the building situates may become a waste land. Taking into account all such circumstances, the TDB is directed to get validation permit updated and extended, in accordance with law, so as to complete reconstruction work at the earliest, strictly abiding the

restrictions. In this context it is also relevant to see that in regard to the said renovation work, originally an estimate was prepared for Rs.68,75,000/-, later a revised estimate was prepared for Rs.1,00,40,000/- and it was sanctioned by the TDB based on DSR 2016 in favour of one Sri.B.S.Sureshkumar at 25% above the estimate rate sanctioned by the Board. The detailed estimate for renovation of 'Sathram' building at Varanasi is also appended to the report. In such circumstances, the said detailed estimate for renovation appended along with the report is sanctioned and permission is granted to carry out the work in accordance with the estimate, after getting the validation permit updated and extended, in accordance with law. Such steps shall be taken expeditiously, taking note of the fact that a building of historical importance would otherwise be collapsed and lost. After taking such appropriate steps in that regard periodical reports regarding the progress of the steps and thereafter, progress of the renovation works shall be filed before this Court once in three months. Taking note of the fact that the Sabarimala Mandala Makara Vilakku for the year 2019-2020 the first report need be filed only on or before 13.05.2020.

Thereafter quarterly reports regarding the progress shall be filed.

The DBP is ordered accordingly.

Sd/-

C.T.RAVIKUMAR

JUDGE

Sd/-

N.NAGARESH

JUDGE

dlk/13.11.19