

TITM NO.2

COURT NO.6

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA 3/2010 in Petition(s) for Special Leave to Appeal (Civil)
No(s).28651/2009

(From the judgement and order dated 06/07/2009 in
of The HIGH COURT OF KERALA AT ERNAKULAM)

WA No. 650/2009

GEORGE NJARAKUNNEL & ORS.

Petitioner(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

(With appln(s) for modification of Court's Order and prayer for
interim relief and office report)

Date: 17/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Romy Chacko,Adv.

For Respondent(s) Ms. Malini Poduval, Adv.
Mrs. S.Geetha, Adv.for
Mr. R. Sathish,Adv.

Mr. Santosh Paul, Adv.
Mr. Arvind Gupta, Adv.
Mr. John Mathew ,Adv
Ms. Meera Mathew, Adv.

Mr. Ran Panjwani, Sr. Adv.
Ms. Purnima Bhat ,Adv

Mr. Jogy Scaria ,Adv(NP)

UPON hearing counsel the Court made the following
O R D E R

The Application for impleadment is allowed.

Heard.

The controversy in this application centres around
the question 'whether urgent repairs are required by the
disputed protected monument, if so, who should carry out
such repairs'. According to learned counsel for the
applicant, the disputed structure has been damaged on

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account of heavy rains in the area and requires immediate
repairs. This position is disputed by the counsel for the
petitioner in the special leave petition who submits that no
such repairs are necessary and, in any case, the same ought
to be carried out by the church authorities.

It is not in dispute that the church in question has
been declared as a protected monument under the Kerala
Ancient Monuments Act. In the circumstances, we deem it just
and proper to direct that the Department of Archeology,

State of Kerala shall have the church buildings in question inspected to detect any damage to the same and assess the need for urgent repairs, if any. In case, the Director, Department of Archeology, State of Kerala comes to the conclusion that any urgent repairs are in-deed required to be carried out, the Director shall take necessary steps to have such repairs, as are considered essential, carried out under the supervision of the directorate itself. The Director shall be free to take into confidence the church authorities in this regard and technical experts in the field, if considered necessary. We make it clear that any repairs carried out to the church building pursuant to this order shall be without prejudice to the rights and contentions of either side.

The Application for modification is disposed of with the above directions.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master