

ITEM NO.2

COURT NO.12

SECTION XI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

I.A. No.153986 of 2018 in Civil Appeal No(s). 6060/2012

GEORGE NJARAKUNNEL &amp; ORS.

Appellant(s)

VERSUS

STATE OF KERALA &amp; ORS.

Respondent(s)

(APPLN.(S) FOR CLARIFICATION/DIRECTION)

Date : 22-02-2019 This application was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

HON'BLE MR. JUSTICE NAVIN SINHA

For Appellant(s)

Mr. Romy Chacko, AOR  
Mr. Vishant Singh, Adv.  
Mr. Shakti Chand Jaidwal, Adv.

For Respondent(s)

Mr. Raj Panjwani, Sr. adv.  
Ms. Purnima Bhat, AOR

Mr. Santosh Paul, Adv.  
Mr. Subhranshu Dash, Adv.  
Mr. John Mathew, AOR

Mr. G. Prakash, AOR  
Ms. Priyanka Prakash, Adv.  
Mr. Jishnu M.L., Adv.  
Ms. Beena Prakash, Adv.

Mr. Jogy Scaria, AOR

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

I.A. No.153986 of 2018

The reliefs which have been sought in the  
interlocutory application are as follows:

"a) Pass an order directing the Director of  
Archaeology, State of Kerala to inspect the  
premises and to ascertain the genuineness of the  
claim of the appellants and to remove or permit

to remove the unwanted structures lying attached to the St. Mary's Church."

The State of Kerala has filed an affidavit stating that on 28 July 2007, a preliminary notification was issued under the Kerala Ancient Monuments and Archaeological Sites and Remains Act, 1968. A final notification was thereafter issued on 24 October 2009.

The counter affidavit states that the Director, Department of Archaeology would be willing to constitute a team of officials of the Department of Archaeology to submit a report to this Court on the reliefs which have been sought in the present application.

We clarify that, at this stage, we are not expressing any opinion on the merits of the application.

Before we take any decision, we are of the view that it would be appropriate to direct the Director, Department of Archaeology, to constitute a team of officials to examine the records, inspect the site and to submit a report to this Court within a period of three months from today.

List the application after three months.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SAROJ KUMARI GAUR)  
COURT MASTER