

ITEM NO.301

COURT NO.2

SECTION XIA

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

Petition(s) for Special Leave to Appeal (C) No(s). 11295/2011

(Arising out of impugned final judgment and order dated 31/01/2011 in WPC No. 36487/2009 passed by the High Court Of Kerala At Ernakulam)

SRI MARTHANDA VARMA (D) TH. LR. & ANR. Petitioner(s)

VERSUS

STATE OF KERALA & ORS. Respondent(s)

(With appln. For directions and discharge of Advocate-on-record and exem. From filing O.T. and impleadment and impleadment as party respondent and impleadment as petitioner and intervention and permission to place addl. Documents on record and recalling the court's order and receiving addl. Document and office report)  
(For Final Disposal)

WITH

W.P. (C) No. 518/2011  
(With Office Report)

SLP(C) No. 12361/2011  
(With appln.(s) for directions and appln.(s) for discharge of advocate-on-record and Interim Relief and Office Report)

Date : 05/05/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE ANIL R. DAVE

Mr. Gopal Subramaniam, Sr. Adv. (A.C.)  
Mr. Satyakam, Adv.  
Mr. Achyut Ajitkumar, Adv.  
Mr. A.K. Prasad, Adv.  
Mr. V.C. Shukla, Adv.

For Petitioner(s)  
(SLP 11295/11)  
& SLP 12361/11

Mr. Krishnan Venugopal, Sr. Adv.  
Mr. Gautam Narayan, Adv.  
Ms. Ashwati Balraj, Adv.

(WP 518/2011)

Mr. Nishe Rajen Shonker, Adv.

Mr. Arvind P. Datar, Sr. Adv.

MS. Surekha Raman, Adv.

Mr. Gaurav Nair, Adv.

MS. Niharika, Adv.

M/s. K.J. Johan &amp; CO.

For Respondent(s)

Mr. Ashok Kumar Panda, Sr. Adv. (U.O.I.)

Mr. B.V. Niven, Adv.

Mr. S.N. Terdol, Adv.

Mr. K. V. Vishwanathan, Sr. Adv. (St. of Kerala)

Ms. Liz Mathew, Adv.

Mr. Gautam Bhardwaj, Adv.

Mr. M.F. Philip, Adv.

Mr. P. B. Suresh, Adv.

Mr. Vipin Nair, Adv.

Mr. T.K. Anandapadmanabhan, Adv.

Mr. Vishnu Shankar Jain, Adv.

Mr. Kushal Bolmal, Adv.

For M/s. Temple Law Firm

Mr. Balaji Srinivasan, Adv.

Mr. M. P. Vinod, Adv.

Mr. Ajay K. Jain, Adv.

Mr. Atul Shankar Vinod., Adv.

Mr. A. Raghunath, Adv.

Mr. C. K. Sasi, Adv.

Mr. Mohan Das, K.K., Adv.

MS. S. Geetha, Adv.

Mr. R. Sathish, Adv.

Mr. Sajith. P, Adv.

Mr. Sanand Ramakrishnan, Adv.

Mr. V. Ramasubramanian, Adv.

For Applicant(s)  
Intervenor

Mr. K.R. Sasiprabhu, Adv.

Mr. M.K. S. Menon, Adv.

Mr. Shashank Menon, Adv.

Mr. Vishnu Sharma, Adv.

(IA No.22-23) Mr. M.N.Krishnamani, Sr. Adv.  
Mr.Vibhu Tiwari, adv.  
Mr. Ravi P.Mehrotra, Adv.

I.A. Nos. 25-26 Mr.Ranbir Yadav, Adv.  
Ms.Anzu K.Varkey, Adv.

(IA 6) Mr. Sivan Madathil, Adv.  
Ms. Usha Nandini V.,Adv.  
Mr. M.S. Vishnu Shankar,Adv.

I.A. No. 30 Mr. Sumit Attri, Adv.

I.A. 32-33 Mr. Ravi P.Mehrotra, Adv.  
Mr. Vibhu Tiwari, Adv.

Mr. Anupam Lal Das, Adv.  
Mr. Anirudh Singh, Adv.

Mr. K.Rajeev, Adv.  
Mr.Shinoj K.Narayanan, Adv.

Mr. R.Sathish, Adv.

Mr. Raghvendra S.Srivatsa, Adv. For  
Mr. K.N.Sateesh

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

I.A. No. 22:

Learned counsel for the parties to file objections to  
I.A. No. 22.

I.A. No. 31:

Issue notice to the counsel opposite including Mr.  
Sateeshan, Executive Officer who shall file his reply in this I.A.  
within four weeks.

Post after summer vacation.

I.A. No. 32:

Issue notice to the counsel opposite.

Response to this I.A. be filed within four weeks.

I.A. No. 33:

Issue notice to the counsel opposite.

Response to this I.A. be filed within four weeks.

The Administrative Officer has already filed his reply which is taken on record. The Administrative Committee appears to have submitted its report a copy whereof shall be made available to learned counsel for the parties and Mr. Gopal Subramaniam, learned Amicus Curiae who are free to respond to the same suitably within four weeks.

I.A. No. 34:

List this I.A. along with the main petition.

Objections, if any, be filed by learned counsel for the parties in the meantime.

I.A. No. 35:

Learned counsel for the petitioner and learned A.C. are free to forward a copy of this I.A. to Mr. Vinod Rai, Former Controller and Auditor General of India for his comments/on the assertions made in the application.

I.A. No. 29:

I.A. is allowed and the applicants permitted to intervene.

We had by our Order dated 03.02.2015 extended three months time for the Expert Committee to comply inventorisation of

Kalaras G and H. Mr. Subramanian submits that the Expert Committee requires some more time and that the same could be extended up to the end of August, 2015. We order accordingly. We request the Expert Committee to expedite the assignment given to it.

We had also directed the Administrative Committee to carry out the necessary repairs in terms of recommendation of the learned A.C. in the Mool Vighraha. The Administrative Committee has submitted a report about the steps taken by it. All we need say is that if any part of the restoration work remains to be done, the same shall be completed as expeditiously as possible.

Mr. Subramanian submits that although there are four independent trusts attached to the Padmanabha Swamy Temple, he would for the present insist on audit of the accounts of Padmanabhan Swamy Temple Trust and its properties only. He urged that Mr. Vinod Rai, Former CAG could be requested to undertake the said exercise and submit a report as expeditiously as possible.

Mr. Arvind P.Datar, learned counsel appearing for the Trust submits that although the special audit for the period 01.04.2008 to 01.04.2014 has already been conducted and a report submitted to this Court, the trust would have no difficulty in co-operating with Mr. Rai in undertaking scrutiny of the said audit report and in conducting a fresh audit, if in his opinion doing so is necessary. There could in that case be an audit for the entire period commencing from 01.04.2008 to 01.04.2014. Mr. Datar further submits that Mr. Rai may be requested to raise whatever queries are considered relevant for completion of the audit so that the trust

answers the same suitably.

In the circumstances, therefore, we direct that a copy of the audit report filed on behalf of the Padmanabhan Swamy Trust in this court for the period 01.04.2008 shall be forwarded to Mr. Rai for his perusal and evaluation. We further direct that in case Mr. Rai upon consideration of the audit already conducted is of the opinion that a fresh/special audit needs to be conducted for the period 01.04.2008 onwards he shall be free to undertake that exercise in which case the Trust shall make available all such information and record as may be necessary for completion of that exercise. Mr. Rai will also do well to raise any query that may be relevant for completion of the audit to enable the trust to answer them. We extend the time for completion of the audit till 31.12.2015.

We permit the State Government to approach the Expert Committee for scaling down the staff deployed for inventorisation and archiving of antiques and artifacts by KELTRON and Expert Committee who may upon consideration of any such request issue appropriate orders in that regard.

Mr. Rai has in terms of communication dated 1.04.2015 raised a demand for a sum of Rs. 45,00,000/- representing the total fee including expenses etc. for the period up to December, 2015. There is no objection by any one appearing for the parties to the release of the said amount in favour of Mr. Rai. We accordingly direct the Administrative Committee to release the amount billed by Mr. Rai.

Mr. K.N.Sateeshan, the Executive Officer of the Temple is directed to file copies of the audited Balance sheet, Profit and Loss Statement and Income and Expenditure Statement of the temple. The Registry shall make available to learned counsel for the parties copies of such statements as and when filed.

Post on 07.08.2015 at 2.00 P.M.

(Shashi Sareen)  
Court Master

(Veena Khera)  
Court Master