

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. &amp; ANR.

Petitioner(s)

VERSUS

STATE OF KERALA &amp; ORS.

Respondent(s)

(With appln.(s) for Directions and Discharge of Advocate-on-record and exemption from filing O.T. and impleadment as party respondent and intervention and permission to place Addl. Documents on record and recalling the courts order and permission to carry out inspection of the record of matter 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 discharge of advocate-on-record and Interim Relief and Office Report)

Date: 03/02/2015 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE ANIL R. DAVEMr. Gopal Subramaniam, Sr. Adv. (A.C.)  
Mr. Apoorv Kurup, Adv.  
Mr. Satyakam, Adv.  
Mr. Achyut Ajitkumar, Adv.  
Mr. A.K. Prasad, Adv.  
Mr. V.C. Shukla, Adv.

For Petitioner(s) Mr. K. K. Venugopal, Sr. Adv.  
 (SLP 11295/11) Mr. Krishnan Venugopal, Sr. Adv.  
 & SLP 12361/11 Ms. Ashwathi Balraj, Adv.  
 I.A.No.27) Mr. Rohit Bhat, Adv.  
 Mr. B.V.Deepak, Adv.  
 For M/s. T. T. K. Deepak & Co.

(WP 518/2011) Mr. Nishe Rajen Shonker, Adv.

For Respondent(s) Mr. Ashok Kumar Panda, Sr. Adv. (U.O.I.)  
 Mr. S.N.Bhat, Adv.  
 Mr. B.V.Niren, Adv.  
 Ms. S.K.Bajwa, Adv.  
 Ms. Anjani Aiyagari, Adv.  
 Ms. Revtee Raghvan, Adv.  
 Mr. S.N. Terdal, Adv.  
 Mr. D. S. Mahra, 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.25 & 26)

Mr. Ranbir Yadav, Adv.  
Ms. Anzu K. Varkey, Adv.

(IA 6)

Mr. Sivan Madathil, Adv.  
Ms. Usha Nandini V., Adv.  
Mr. Biju P. Raman, 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. GuruKrishna Kumar, Sr. Adv.  
Mr. K. Rajeev, Adv.  
Mr. Shinoj K. Narayanan, Adv.

Mr. R. Sathish, Adv.

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

I.A. Nos. 31, 32 and 33:

Issue notice.

Learned counsel for the parties may file their objections in I.A. Nos. 31, 32 and 33. Objections to the averments made in the application submitted shall also be filed by the Administrative Committee. We permit Mr. Satishan, Executive Officer also to file an affidavit in reply to the averments made in I.A. No. 33.

A report has been received from Mr. Vinod Rai, Former Controller and Auditor General of India who was

requested to audit the accounts of the temple. Learned counsel for the parties shall be furnished copies of the said report who shall have two weeks' time to file their reply to the same.

Mr. Gopal Subramanian, learned senior counsel has also placed on record letter dated 02.02.2015 received by him from Mr. Vinod Rai. Mr. Vinod Rai has enclosing therewith two earlier communications dated 11.12.2014 and 09.12.2014 inter alia stated that Sree Padmanabha Swamy Temple Trust has declined to share with him the requisite accounts essential for completion of the audit. Mr. K.K.Venugopal, learned senior counsel for the petitioner submits that Padmanabha Swamy Trust is a stand-alone trust which has nothing much to do with the Padmanabha Swamy Temple. This position is disputed by the Amicus Curiae according to whom the provisions of the Trust Deed dated 25.06.1961 make it abundantly clear that the trust has been established for the sole purpose of maintainance and upkeep of Padmanabha Swamy Temple and that the income derived from the trust properties including the donations and contributions received can be utilised only for the said purpose. It was urged that the trust is not justified in declining to share with Mr. Vinod Rai the requisite accounts to enable the

latter to conduct a proper audit.

Sree Padmanabha Swamy Temple is not a party to these proceedings. Since the question touching mutual relationship between the trust on the one hand and the temple on the other has fallen for our consideration, we deem it proper to implead the said trust as a party-respondent to these proceedings. Cause-title shall be amended accordingly. Mr. Shashi Prabhu, Adv. has entered appearance on behalf of the trust. He may file his objections to the report received from Mr. Vinod Rai as also Mr. Rai's demand for accounts of the Trust with a copy to counsel opposite who shall have two weeks thereafter to respond to the same.

The Administrative Committee appears to have filed two further reports, copies whereof shall also be furnished to learned counsel for the parties who shall be free to file their responses to the same.

We are informed that the Expert Committee has completed inventorisation of Kalaras G and H but may require some more time to finally conclude the work. We extend the tenure of the Expert Committee by three months from today to enable the Committee to complete the assignment given to it.

Our attention is drawn by Mr. Gopal Subramonium,

learned Amicus Curiae to a report submitted by the Conservation Committee regarding repairs to be carried out to Mool Vighraha. We had while dealing with the recommendations made by learned Amicus Curiae specifically accepted the recommendations regarding such repairs being carried out. We hope and trust that the Administrative Committee takes appropriate action in that direction and submit a report as to the nature and the extent of repair carried out pursuant to the order passed by this Court.

Post on 10.04.2015 at 2.00 P.M.

(Shashi Sareen)  
Court Master

(Veena Khera)  
Court Master