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ITEM NO.301

COURT NO.3

SECTION XIA

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

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

(From the judgement and order dated 31/01/2011 in WPC No.36487/2009
of The HIGH COURT OF KERALA AT ERNAKULAM)

SRI MARTHANDA VARMA AND ANR.

Petitioner(s)

VERSUS

STATE OF KERALA & ORS.

Respondent(s)

(With appln(s) for directions and intervention and recalling the court's
order and permission to place addl. documents on record, impleadment as
party respondent and office report)
(FOR FINAL DISPOSAL)

WITH

SLP(C) NO. 12361 of 2011

(With appln.(s) for directions and with prayer for interim relief and
office report)
(FOR FINAL DISPOSAL)

SLP(C) NOS. 17081-17082 of 2011

(With appln.(s) for directions and with prayer for interim relief and
office report)
(FOR FINAL DISPOSAL)

W.P. (C) No. 518 of 2011

(with office report)

Date: 03/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE A.K. PATNAIK

Mr. Gopal Subramaniam, Sr. Adv. (Amicus Curiae)

Mr. Aporva Kurup, Adv.

Mr. Ardhendumauli Kumar Prasad, Adv.

Mr. Nishit Agrawal, Adv.

For Petitioner(s)

SLP 11295/2011; Mr. K.K. Venugopal, Sr. Adv.

SLP 12361/2011

Mr. Krishnan Venugopal, Sr. Adv.

Mr. Parameswaran Nair, Adv.

Mr. Shyam Mohan, Adv.

Mr. Ashwati Balraj, Adv.

Mr. B.V. Deepak, Adv. for

M/S. T.T.K. Deepak & Co.

SLP 17081-82/2011

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

Mr. Robin V.S., Adv. for

Ms. Asha Gopalan Nair, Adv.

WP 518/2011

Mr. Nishe Rajen Shonker, Adv.

For Respondent(s)

Mr. P.B. Suresh, Adv.
Mr. Vipin Nair, Adv. Adv.
Mr. T.K. Anandpadmanabhan, Adv.
Mr. Udayatiya Banerjee, Adv. for
M/s. Temple Law Firm

Union of India

Ms. Indira Jaisingh, ASG
Ms. Supriya Jain, Adv.
Ms. Sonakshi, Adv. for
Mr. S.N. Terdal, Adv.

State of Kerala

Ms. Liz Mathew, Adv.
Mr. Philip Mathew, Adv.

Mr. R. Sathish, Adv.

Mr. V. Ramasubramanian, Adv.

Mr. C.K. Sasi, Adv.

Mr. Sajith. P, Adv.

Mr. A. Raghunath, Adv.

Mr. Nishe Rajen Shonker, Adv.
Mr. Deepak Dixit, Adv.

Mr. T.K. Ananda Padmanabhan, Adv. for
Mr. Balaji Srinivasan, Adv.

Ms. Usha Nandini V., Adv.
Mr. Biju P. Raman, Adv.

Mr. Sanand Ramakrishnan, Adv.

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

S.L.P. (C) Nos. 17081-17082 of 2011:

Mr. M.K.S. Menon, learned counsel for the petitioners prays for withdrawal of Special Leave Petitions and affidavit dated 7.8.2013 filed by the petitioner - Rama Varma in response to the report of Amicus Curiae.

Special Leave Petitions are dismissed as withdrawn and affidavit dated 7.8.2013 is permitted to be withdrawn.

S.L.P. (C) No. 11295/2011, 12361/2011:

In response to paras 39(3), 39(4) and 56 of the first report of the learned Amicus Curiae under the head "Supplementary Recommendations", an additional affidavit has been filed by the petitioners.

2. In the additional affidavit, it is stated that the ongoing 'Katu Sharkara Yogam' amalgam preparations and the entire process of applying the amalgam on the idol and ensuing Parihara Kriya are expected to be completed by the end of October, 2013 before the commencement of the Murajapam festival.

3. The statement is accepted.

4. As regards the problems pointed by the learned Amicus Curiae with respect to Sheeveli/Utsava idols, it is stated in the additional affidavit that those problem have already been addressed and the idols are now in order.

5. Learned Amicus Curiae submits that he will verify the above statement and report to the court on the next date.

6. Learned Amicus Curiae may do so accordingly.

7. As regards paragraph 29 in the first report under the head "Recommendations on Temple renovation and restoration" submitted by the learned Amicus Curiae, although no specific response to that paragraph has been given in the additional affidavit, but under the head "in the matter of the structure of the temple, cleanliness and repair", it is stated that as of now, 45 items of repairs are taken up after an intensive inspection conducted by the Chief Engineer and Office Superintendent. These are being undertaken on war-footing so as to be concluded before November, 2013. The additional affidavit further states that this year, the work has acquired an added dimension inasmuch as the report of the team of Archaeologists brought in by the Expert Committee, on the areas identified by them, is awaited.

8. We find that along with the Interim Report-VIII submitted by the Expert Committee, a preliminary report on conservation problems of Sree Padmanabha Temple, Trivandrum by a team of experts from structural and chemical conservation of Archaeological Survey of India, Thrissur Circle dated 20.7.2013 has been annexed. The copies of Interim Report-VIII and Interim Report VIII-A have been supplied to the advocate-on-record for the petitioners only in the course of proceedings and, therefore, Mr. K.K. Venugopal, learned senior counsel for the petitioners is unable to make any further statement with regard to the conservation, renovation and restoration aspects highlighted by the learned Amicus Curiae.

9. Let an affidavit in response to Interim Reports-VIII and VIII-A be filed by the petitioners within four weeks from today.

10. Learned Amicus Curiae submits that an Expert Group for restoration/renovation headed by Dr. M. Velayudhan Nair be appointed who may be supported by Dr. M.G. Shashibhooshan. Mr. Aditya Varma, nominee of the petitioners may also be included in that Expert Group.

11. Mr. K.K. Venugopal, learned senior counsel prays for time to seek instructions in that regard and report to the Court on the next date.

12. We are informed by the learned Amicus Curiae that Professor C.R. Babu has inspected Padmatheertham and other tanks and would submit his report in compliance of the order of this Court dated 3.7.2013 by 20.9.2013. Professor C.R. Babu may submit his report accordingly by 20.9.2013.

13. List this group of matters on 30.10.2013 at 3 P.M.

| (Pardeep Kumar)
| Court Master

| | (Renu Diwan)
| | Court Master

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