

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: 03/07/2013 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. for

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

SLP 17081-82/2011

Mr. M.K.S. Menon, 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. Sukhbeer Kaur, 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. Balaji Srinivasan, Adv.  
   Mr. Jaikriti S. Jadeja, Adv.  
   Mr. K. Vijay Kumar, 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

In the first report of Mr. Gopal Subramaniam, learned Amicus Curiae, under the head "Supplementary Recommendations" in paragraphs 39(3) and (4), the following has been stated:

"3 The Amicus Curiae submits that restoration of the moola vigraha in the sanctum sanctorum of Lord Padmanabha Swamy, which uses katu sharkara yogam, and the other Deities in the sanctum sanctorum should be undertaken immediately and suitable parihara should be done in respect of the same. The Amicus Curiae has mentioned certain details concerning the vighras in a separate note which has been submitted to this Hon'ble Court in a sealed Cover.

4 The Amicus Curiae further submits that the silver sheevli/utsava idols of Sree Padmanabha, Sree Narasimha and Sree Krishna have not been kept in a proper shape and there are problems with their peethas. These idols have been found to be separated from their respective bases. They must be repaired immediately in consultation with the Tantris (particularly, Tharananalloor Parameshwaram Nambuthirippadu and Satish Tharananalloor) and Dr. Shastra Sharman Nambuthirippadu and suitable parihara should be done in respect of the same."

2. Similarly, in the said report under the head "Recommendations on Temple renovation and restoration" in paragraph 29, the following has been stated:

"The Amicus Curiae has held detailed discussions with Dr. M. Velayudhan Nair and the Overseeing/Expert Committee. From these discussions, it is clear that the Temple is in urgent need of renovation and restoration of its priceless architecture, including the murals and the work done by the sthaphathis at the top of the Gopuram. It is, therefore, necessary that an Expert Group for restoration and renovation headed by Dr. M. Velayudhan Nair immediately undertakes this

task. Dr. M. Velayudhan Nair may be supported by eminent historians such as Dr. M.G. Sashibhooshan. It may be clarified that the restoration/renovation work described in this paragraph is distinct from the restoration/renovation work with respect to the Temple idols which is mentioned in the supplementary recommendations later in this report."

3. Again, in paragraph 56 of the said report as regards donations to the temple, it has been stated as follows:

"There must be strict supervision in all the centres where donations to the temple are counted with the help of cameras to avoid thefts and other mischiefs."

4. In his second report, learned Amicus Curiae has stated that of the 9 entrances to the temple, there is no police presence in one entrance - the door near the Ottupura (dining hall). The other aspects of concern have also been highlighted in the second report.

5. Before we pass any order in respect of the above, in our view, it would be appropriate to call for the response from the petitioners in S.L.P. (C) No. 11295 of 2011. The petitioners may, accordingly, respond to the first report and second report of the learned Amicus Curiae on an affidavit within four weeks from today. It may be noted that copy of the second report of the learned Amicus Curie has been handed over today to the advocate-on-record for the petitioners.

6. In compliance of the direction given by this Court in the order dated December 12, 2012 in respect of cleaning of Padmatheertham and Mitranandapuram tanks, an affidavit has been filed by the State of Kerala on April 8, 2013 stating therein that necessary repairs and cleaning of Mitranandapuram tank have been done by the Corporation of Thiruvananthapuram. We are also informed orally by Ms. Liz Mathew, learned counsel for the State of Kerala that the entire cleaning and repairs of Mithrananthapuram Tank have been done by the Corporation of Thiruvananthapuram and no further cleaning or maintenance is now required. We accept her statement. The State of Kerala and Corporation of Thiruvananthapuram shall, however, ensure that the said tank is cleaned periodically as already directed in the order dated 12.12.2012.

7. With regard to the cleaning of Padmatheertham tank, the following statement has been made in the affidavit by the State of Kerala:

"In compliance with the order dated 12.12.2012, the Government of Kerala in consultation with the temple authority, the Kerala Water Authority and the State Pollution Control Board cleaned the Padmatheertham tank by alum treatment. Even though chlorination of the tank was also considered, the idea was given up since the chemical treatment would prove fatal to the aquatic life in the tank.

As a long term measure, enhancing oxygen level in the tank by way of installation of floating aerators is considered viable and is the ideal solution for maintaining the quality of water. The Kerala Water Authority has already drawn up a plan for the work in this regard for an estimated amount of Rs. 29 lakhs and the tender has already been floated. The formalities are being expedited for early completion of the work.

It is pertinent to note that the tank belongs to the temple authorities and, therefore, the maintenance of the tank is the responsibility of the temple authority."

8. Before we pass further order with regard to cleaning of Padmatheertham tank, we accept the suggestion of learned Amicus Curiae which is not objected to by Mr. K.K. Venugopal, learned senior counsel for the petitioners and appoint Prof. C.R.

Babu, Professor Emeritus, Centre for Environmental Management of Degraded Eco System, School of Environmental Studies, University of Delhi, Delhi to visit the site viz; Padmatheertham tank and suggest the best possible mode for cleaning and maintenance of the said tank.

Prof. C.R. Babu may submit his report within four weeks from the date of communication of this order. For undertaking the above task, by way of an ad hoc arrangement, we direct the State of Kerala to pay to Prof. C.R. Babu a sum of Rs. 30,000/- within four weeks from today.

09. About inventarisation of articles, we extend the time up to December 31, 2013. The Expert Committee shall submit its report indicating the steps taken and progress made in this regard within four weeks from today.

10. List this group of matters on August 13, 2013 at 2 P.M.

| (Pardeep Kumar)  
| Court Master

| | (Renu Diwan)  
| | Court Master

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