

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 impleadment as party respondent and permission to place
addl. documents on record and directions with 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: 06/11/2012 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.
Ms. 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.
Ms. Asha Gopalan Nair, Adv.
Mr. Robin V.S., Adv.

WP 518/2011

Mr. Nishe Rajen Shonker, Adv.

For Respondent(s) Mr. Dhruv Mehta, Sr. 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. Rashmi Malhotra, Adv.
Mr. M. Khairati, Adv.
Ms. Sonam Anand, Adv. for
Mr. D.S. Mahra, Adv.

State of Kerala Ms. Liz Mathew ,Adv.
Ms. Sana Hashmi, Adv.

Mr. R. Sathish, Adv.

Mr. V. Ramasubramanian, Adv.

Mr. C.K. Sasi, Adv.

Mr. Sajith. P, Adv.

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

Mr. Balaji Srinivasan, Adv.

Mr. Sivan Madathil, Adv.
Ms. Usha Nandini, Adv.
Mr. Biju P. Raman, Adv.

Mr. Sanand Ramakrishnan, Adv.

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

In our order dated April 18, 2012, it was observed that Kallara 'C' needs to be strengthened. This observation was made on the basis of the Interim Report IV submitted by the Expert Committee.

2. Subsequent to Interim Report IV, Interim Report V has been submitted by the Expert Committee and it has been suggested that instead of Kallara 'C', Kallara 'A' needs to be strengthened first.

3. After receipt of the Interim Report V, we appointed Mr. Gopal Subramaniam, learned senior counsel, as Amicus Curiae. Learned Amicus Curiae has submitted his report. Inter alia, he has suggested that all the Kallaras (Vaults), except Kallara 'B', need to be strengthened and the strengthening can begin with Kallara 'A' and the valuables of Kallara 'A' can be shifted to Kallara 'C' during the strengthening process and thereafter restored to Kallara 'A'. Learned Amicus Curiae has further suggested that after the strengthening of Kallara 'A' is complete Kallara 'C' can be strengthened and efforts can simultaneously be made to strengthen Kallaras 'D', 'E' and 'F'.

4. Having regard to above suggestions of learned Amicus Curiae and on hearing Mr. K.K. Venugopal, learned senior counsel for the petitioners in S.L.P. (C) No. 11295 of 2011 and S.L.P. (C) No. 12361 of 2011, Mr. Dhruv Mehta, learned senior counsel for the respondent Nos. 3 to 6 in S.L.P. (C) No. 12361 of 2011, and Ms. Liz Mathew, learned counsel for the State of Kerala, we direct that initially Kallara 'A' may be strengthened. We are informed that strengthening of Kallara 'A' would cost approximately ` 80-81 lakhs. We direct that 2/3 of its cost be borne by the State of Kerala and 1/3 by the Temple

Management. The Expert Committee shall ensure that the strengthening work of Kallara 'A' begins at the earliest. The State Government and the Temple Management will make available their contribution of cost to the Expert Committee within one week of the demand raised by the Expert committee. During the strengthening process of Kallara 'A', the valuables of Kallara 'A' shall be shifted to Kallara 'C' and on completion of strengthening of Kallara 'A' the valuables shall be restored to Kallara 'A'.

5. Let copy of the report of the learned Amicus Curiae be given to the concerned parties. The other suggestions given by the learned Amicus Curiae shall be considered on the next date.

6. List the matters on December 12, 2012 at 3 p.m.

|(Rajesh Dham)
|Court Master

| |(Renu Diwan)
| |Court Master

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