

ITEM NO.301

COURT NO.6

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 (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

T.P. SUNDARA RAJAN AND ORS.

Respondent(s)

(With appln(s) for impleadment as party respondent and permission to
place addl. documents on record and intervention and office report)
(FOR FINAL DISPOSAL)

WITH
SLP(C) NO. 12361 of 2011
(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: 18/04/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)	Mr. K.K. Venugopal, Sr. Adv. Mr. Parameswaran Nair, Adv. Mr. Gopal Sankaranarayanan, Adv. Mr. Shyam Mohan, Adv. Mr. B.V. Deepak, Ad. for M/S. T.T.K. Deepak & Co.
SLP (C) 17081-82	Mr. M.K.S. Menon, Adv. Mr. Robin V.S., Adv. for Ms. Asha Gopalan Nair, Adv.
WP 518	Mr. Nishe Rajen Shonker, Adv.
For Respondent(s)	Mr. Vipin Nair, Adv. Mr. P.B. Suresh, Adv. Mr. T.K. Anandpadmanaban, Adv.for M/s. Temple Law Firm

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Union of India	Mr. Mohan Jain, ASG Mr. Ashok Bhan, Sr. Adv. Ms. Rashmi Malhotra, Adv. Mr. D.K. Thakur, Adv. Ms. A.G. Garg, Adv. Mr. Deepak Jain, Adv. Mr. Karthik Ashok, Adv. Ms. Sheetal Menon, Adv. Mr. Subham Aggarwal, Adv.
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Mr. Khairati, Adv. for
Mr. D.S. Mahra, Adv.

State of Kerala

Ms. Liz Mathew, 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

By Interim Report -IV dated March 26, 2012, the
Expert Committee has sought the following directions:

(i) Whether the Committee can open Kallara 'B';

(ii) whether the Committee can defer the
construction of a new vault till Kallara 'B' is
opened and to decide whether the articles can be
stored in the existing kallaras, without
compromising on security and preservation and

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(iii) direction on expenditure for strengthening
Kallara C, costing approximately Rs. thirty seven
lakhs.

2. In the order dated July 21, 2011, inter alia, this
Court directed the Expert Committee to examine and give the
opinion as to whether it is necessary to open Kallara 'B' at
this stage.

3. In its Interim Report-IV, the Committee has not given any
opinion after examining all aspects of the matter as
directed in the order dated July 21, 2011 as to whether it
is necessary to open kallara 'B' at this stage.

4. In our view, the inventorisation of the Articles of
Kallara 'A' has be completed first. On completion thereof,

the Expert Committee shall examine the matter as per the order dated July 21, 2011 and submit its opinion about opening of kallara 'B'.

5. In its Progress Report -I, the Co-ordinator of the Expert Committee has submitted summary of work so far completed (i) in a sealed cover comprising of Article I in electronic format and (ii) Article II in hard copy format. He has also sent the password and report on existing vaults in sealed covers as Article III and Article IV respectively.

6. The Expert Committee shall ensure that summary of work in electronic format and hard copy is kept in a sealed cover and no further copies are prepared.

7. The Court Masters shall put the above Articles I to IV

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and also copies prepared for the second set in a sealed cover and hand over the same to the Registrar (J-III) for keeping it in his lock and key.

8. In the Progress Report -I, Co-ordinator has indicated that the inventorisation of kallara 'A' will take place after April 23, 2012. He has also stated that it is not practical to keep the valuables from Kallara 'A' back into the same space without compromising the conservation and safety standards.

9. In our opinion, the Expert Committee has to ensure that after inventorisation, all the articles/valuables from kallara 'A' are kept back into the same space and with the help of the experts, it must be ensured that there is no compromise to the conservation and safety standards of these articles/valuables.

10. As regards strengthening of Kallara 'C', in the Interim Report-IV, it is stated that it would cost approximately Rs. 35/37 lakhs. In our view, Kallara 'C' needs to be strengthened and 2/3rd of its costs must be borne by the State of Kerala and 1/3rd by the Temple

Management.

11. The State of Kerala and the Temple Management are directed to contribute their share towards expenditure for strengthening of kallara 'C' to the Expert Committee within one month from today.

12. List the matter on August 8, 2012 at 3.30 p.m for further directions.

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(Pardeep Kumar)
Court Master

(Renu Diwan)
Court Master