

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NO.11295 OF 2011

SRI MARTHANDA VARMA (D) TH.LRS. & ANR.

.....PETITIONERS

VERSUS

STATE OF KERALA & ORS.

.....RESPONDENTS

WITH
SLP(C) NO.12361 of 2011
W.P. (C) NO.518 of 2011

O R D E R

1. Mr.Gopal Subramanium, learned senior counsel and the learned amicus curiae in this matter, brought to our notice that in continuation of the motion bench order dated 09.05.2017, by consensus, Mr.V.Ratheesan, IAS, has been nominated as Executive Officer, and he has assumed charge on 18.06.2017.

2. Learned amicus curiae also drew our attention to the immense wealth in the confines and coffers of the temple, and submitted that arrangements should be made to secure it. Our attention was also drawn to the fact that there has recently been a theft, and an occurrence of that nature should not take place again. Only as a suggestion, it was submitted that the name of Mr.H.Venkatesh, IPS, may be considered as being assigned the duties of security of the treasures of the temple. It was pointed out

that he has formerly been Commissioner of Police, Thiruvananthapuram and has experience of serving in the establishment of the Central Bureau of Investigation. It was submitted that important investigations as in the Satyam case were also vested with him.

3. Mr.Jaideep Gupta, learned senior counsel representing the State of Kerala did not seriously contest the suggestion made by the learned amucus curiae. It was, however, submitted that the proper procedure, in the matter, would be for the State Government to follow the norms and to constitute a panel of names out of which the one found most suitable by the Administrative Committee may be assigned the responsibility of security of the temple.

4. Mr.Arvind Datar, learned senior counsel representing some of the petitioners, however, points out that Mr.P.K.Madhu, an IPS officer of the rank of Superintendent of Police, is holding the charge of security relating to the temple and its properties. It is pointed out that Mr.P.K.Madhu is assisted by about 200 police personnel to discharge the aforesaid responsibility and it is unlikely that there can be any breach in the security of the temple keeping in mind the stature of the officer holding the charge of security as well as the police personnel entrusted with responsibility.

5. Having given our thoughtful consideration to the rival contentions advanced by the learned counsel, we are of the view that the security arrangements presently in place should be allowed to continue with the rider that the entire responsibility of securing the properties and the assets of the temple will remain

with the Superintendent of Police, who is the person in-charge of the responsibility.

6. Mr.Gopal Subramanium, learned amicus curiae further pointed out that the working relationship between the Administrative Committee and the Executive Officer needs to be clearly defined.

7. During the course of hearing, learned counsel for the rival parties were agreeable that this Court clarifies, that the Administrative Committee shall be in-charge of taking policy decisions as well as in regard to the manner of functioning of the temple, and that, the directions issued by the Executive Committee shall be implemented by the Executive Officer. It was also submitted that the Executive Officer be made Member Secretary of the Administrative Committee - to whom he should be answerable. We order accordingly. We also hereby further direct, that the Executive Officer as Member Secretary, shall discharge his duties wholifetime. In this behalf, we would make a request to the State of Kerala to approve the aforesaid arrangement within two weeks from today.

8. It was also submitted by the learned amicus curiae, that even though there is a process in vogue whereby accounts of the temple and the trust are maintained, yet they are not subjected to any supervision and control. It was pointed out, that the appointment of a financial controller would lend credibility to the process of incurring expenses and maintenance of accounts. On examining the instant issue with the concurrence of learned counsel representing the rival parties, we request the State of Kerala to

nominate a panel of three officers from the Indian Audit and Accounts Service, to overlook the audit and accounts of the temple, and to submit quarterly reports to the Administrative Committee, for implementation of such suggestions as may be made in the report. We also hereby direct the same officer, nominated by the State Government as has been approved by the Administrative Committee, to audit the accounts of Shri Padmanabhaswamy Temple Trust and to submit similar reports to the Administrative Committee. We, therefore, hereby request the State of Kerala to submit its panel, for the consideration of the Administrative Committee, within four weeks.

9. The next contention of Mr.Gopal Subramanium, Senior Advocate and learned amicus curiae was, that an immediate inspection of the Moolabimbams needs to be carried out, so that effective repairs can be made to the deity before the onset of Dakshinayana (which commences from 15/16.07.2017). In this behalf, we are aware of the order passed by us on 09.05.2017 wherein we had recorded as under:

"4. A Committee of experts comprising Vezhapparambu Namboodripad, Satheesh Ezhumtholi and Cheruvally would undertake a complete inspection of the Moolabimbams and advise a suitable course of action. This should be done in conjunction with Kanipayyoor Shri Krishnan Namboodripad. The Kadusarkara repairs and repairs to the Moolavighras, referred to in the orders of this Court dated 20.03.2017 and 18.04.2017, must be undertaken conjointly by the said persons, in consultation with the Tantris, wherever necessary. They shall mutually agree on a Chairman, who may be made responsible for the work undertaken.

5. In the background of the above, the amicus curiae submitted, that the inspection and repairs

may be permitted to be undertaken conjointly by the said persons. They will be at liberty to appoint any artisan/expert, who may have knowledge of Kadusarkara for the said purpose. The same should be undertaken at the earliest, without compromising with any customs and rituals at the Temple. We accept the submissions recorded above, and order accordingly."

10. Since a request to carry out repairs of the deity was personally made by this Court, we would expect the experts to carry out the responsibilities vested in them, so that the work commences before the onset of Dakshinayana. If for some reason, one or the other expert is not in a position to undertake the obligations, the Administrative Committee shall ensure that the same shall be carried out by the remaining experts. It remains the earnest desire of this Court, that the repairs of the deity are commenced expeditiously, as stated above, and are concluded at the earliest. The suggestions of the experts indicating the manner of carrying out the repairs will be supported financially by the Administrative Committee. Learned counsel for the rival parties, shall convey to the experts, the above desire expressed by this Court.

11. Learned counsel for the rival parties are ad-idem that the responsibility vested with the Overseeing Committee has been discharged, and as such, the Committee may be dissolved. We order accordingly. It was however pointed out, that some of the responsibilities of the Overseeing Committee were delegated to the Expert Committee. The Expert Committee has also substantially completed its task. However, an inventory of the Kallara B is yet to be prepared, which shall be prepared only after express direction of this Court.

12. Finally, at the joint request of learned counsel for the rival parties, the Conservation Committee is re-constituted as under:

1. Dr.Velayudhan Nair
2. Mr.S.Ramamurthy (Archaeologist)
3. Mr.Sharat Sunder R
4. Mr.V.Ratheesan

13. In our motion bench order dated 09.05.2017, we had constituted a Selection Committee for the Sreekovil and other allied works by recording as under:

"6. It was further submitted, that the Selection Committee, for the Sreekovil and other allied works, which has been mutually agreed, should consist of :

- a. Shri Kanipayyoor Shri Krishnan Namboodripad;
- b. Dr. M. Velayuthan Nair
- c. Shri S. Ramamurthy (Archaeologist)
- d. Shri Sharath Sunder R., (Suggested by Shri KK Venugopal, learned Senior Counsel).

The said committee be permitted to choose the most suitable persons, at the best competitive prices and subject to ratification by the Administrative Committee, award the work. Allowed as prayed."

14. It was submitted, that the aforesaid Selection Committee has not finalised the most suitable persons for carrying out the Sreekovil, and other allied works. In order to expedite the finalisation of choosing the most suitable persons, we consider it just and appropriate to request and appoint Hon'ble Mr.Justice K.S.P.Radhakrishnan, a retired Judge of this Court, as the Chairman of the Selection Committee, contemplated in paragraph 6 of the motion bench order dated 09.05.2017 (extracted above). For the

responsibility vested in him, Hon'ble Mr. Justice K.S.P.Radhakrishnan (Retd.) shall be at liberty to fix his own honorarium and terms and conditions, which shall be honoured by the temple.

15. In case of any difficulty, liberty is granted to the parties to the instant case, and to the amicus curiae, to move I.As for appropriate orders.

.....CJI.
(JAGDISH SINGH KHEHAR)

.....J.
(Dr.D.Y.CHANDRACHUD)

NEW DELHI;
JULY 4, 2017.

ITEM NO.22

COURT NO.1

SECTION XI -A

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 (C) No(s).11295/2011

(Arising out of impugned final judgment and order dated 31-01-2011 in WPC No.36487/2009 31-01-2011 in WPC No.4256/2010 04-07-2001 in OP No.18309/2010 05-08-2010 in WPC No.36487/2009 27-10-2010 in WPC No.36487/2009 passed by the High Court of Kerala at Ernakulam)

SRI MARTHANDA VARMA (D) TH. LR.

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

(FOR ON IA 2/2011
FOR ON IA 4/2011
FOR APPOINT A GUARDIAN OF A MINOR ON IA 3/2011
FOR INTERVENTION APPLICATION ON IA 5/2011
FOR INTERVENTION APPLICATION ON IA 6/2011
FOR ON IA 8/2011
FOR ON IA 13/2012
FOR APPOINT A GUARDIAN OF A MINOR ON IA 17/2012
FOR ON IA 16/2012
FOR RECALLING THE COURTS ORDER ON IA 19/2013
FOR ON IA 18/2013
FOR ON IA 1/2011
FOR ON IA 21/2014
FOR EXEMPTION FROM FILING O.T. ON IA 23/2014
FOR INTERVENTION APPLICATION ON IA 22/2014
FOR ON IA 25/2014
FOR EXEMPTION FROM FILING O.T. ON IA 26/2014
FOR ON IA 27/2014
FOR ON IA 28/2014
FOR ON IA 30/2014
FOR ON IA 31/2015
FOR INTERVENTION APPLICATION ON IA 32/2015
FOR ON IA 33/2015
FOR ON IA 34/2015
FOR ON IA 35/2015
FOR ON IA 36/2015
FOR INTERVENTION APPLICATION ON IA 38/2016
FOR INTERVENTION APPLICATION ON IA 39/2017
FOR ON IA 40/2017
[TO BE TAKEN UP AT THE END OF THE BOARD OR AT 2.00 P.M. WHICHEVER IS EARLIER])
WITH
SLP(C) No.12361/2011 (XI -A)
(FOR ON IA 1/2012)
W.P. (C) No.518/2011 (PIL-W)

Date : 04-07-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Amicus Curiae(s) Mr.Gopal Subramanium, Sr.Adv.
Mr.Ankur Kashyap, Adv.
Mr.Pavan Bhushan, Adv.
Mr.Utkarsh Saxena, Adv.
Mr.Eklavya Vasudev, Adv.

For Petitioner(s) Mr.Krishnan Venugopal, Sr.Adv.
Mr.V. Shyamohan, AOR
Mr.Uday Rathore, Adv.
Mr.Surya Prakash, Adv.

Mr.Gautam Narayan, AOR

Mr.Nishe Rajen Shonker, AOR

For Respondent(s) Mr.Maninder Singh, ASG
Mr.A.K.Kaul, Adv.
Mr.S.A.Haseeb, Adv.
Ms.Manita Verma, Adv.
Mr.Raj Bahadur, Adv.

Mr.Jaideep Gupta, Sr.Adv.
Mr.G. Prakash, Adv.
Mr.Jishnu M.L., Adv.
Mrs.Priyanka Prakash, Adv.
Mrs.Beenा Prakash, Adv.

Mr.Arvind P.Datar, Sr.Adv.
Mr.Pratap Venugopal, Adv.
For M/s. K. J. John & Co., AOR

Mr.Sajan Poovayya, Sr.Adv.
Mr.Saransh Jain, Adv.
Mr.Sumit Attri, AOR

Mr.Ravi Prakash Mehrotra, AOR

Mr.Abraham Mathews, Adv.
Ms.Anu K.Joy, Adv.
Mr.Ranjan Kumar, Adv.

Mr.Ramesh Babu M. R., AOR

Mr.R. Sathish, AOR

Mr.P. S. Sudheer, AOR

Mr.V.Lakshmikumaran, Adv.
Mr.Ankit Parhar, Adv.
Mr.M. P. Devanath, AOR

Ms.Liz Mathew, AOR

Mr.K. Rajeev, AOR

Mr.K. R. Sasiprabhu, Adv.
Mr.M.K.S.Menon, Adv.
Mr.Biju P.Raman, Adv.
Mr.Vishnu Sharma, Adv.

Ms.Usha Nandini V., Adv.
Mr.M.S.Vishnu Sankar, Adv.
Mr.Athira G.Nair, Adv.

Mr.Anupam Lal Das, AOR

Mr. M. P. Vinod, AOR

D. S. Mahra, AOR (NP)

Mr. Balaji Srinivasan, Adv.
Ms.Vaishnavi Subrahmanyam, Adv.
Ms.Pratiksha Mishra, Adv.
Mr.Abhishek Bharti, Adv.
Mr.Arunava Mukherjee, Adv.

For Intervenor Mr.Abid Ali Beeran P., Adv.

Mr.P.B.Suresh, Adv.
Mr.Vipin Nair, Adv.
Mr.T.K.Anandapadmanabhan, Adv.
Mr.Abhy Pratap Singh, Adv.
Mr.Udayaditya Banerjee, Adv.

Mr.Nishad L.S., Adv.
Mr.N.P.Rakeesh Panicker, Adv.
Mr.Sam Issac, Adv.
Mr.Maneeesh N., Adv.
Ms.Manju Sharma Jetle, Adv.
Mr.Subash Chandran, Adv.

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

In order to expedite the finalisation of choosing the
most suitable persons, we consider it just and appropriate to

request and appoint Hon'ble Mr.Justice K.S.P.Radhakrishnan, a retired Judge of this Court, as the Chairman of the Selection Committee, contemplated in paragraph 6 of the motion bench order dated 09.05.2017 (extracted above). For the responsibility vested in him, Hon'ble Mr.Justice K.S.P.Radhakrishnan (Retd.) shall be at liberty to fix his own honorarium and terms and conditions, which shall be honoured by the temple.

In case of any difficulty, liberty is granted to the parties to the instant case, and to the amicus curiae, to move I.As for appropriate orders.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)