

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Miscellaneous Application No(s).1350/2020 in C.A. No.2732/2020

SRI MARTHANDA VARMA (D) TH. LR. & ANR. Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS. Respondent(s)

WITH

Miscellaneous Application Diary No(s).16473/2020
in C.A. No.2732/2020

O R D E R

I.A.NO.80357/2020

In Paragraph 115 of its judgment dated 13.07.2020, this Court had issued certain directions, in pursuance of which an Affidavit of Undertaking has been filed by Mr. Moolam Thirunal Rama Varma, S/o Colonel Goda Varma Raja on 21.08.2020. Paragraph 6 of the Affidavit of Undertaking is as under:

"6. Accordingly, the Appellant, in his capacity as Trustee of the Temple, in compliance with the directions of this Hon'ble Court in Paragraph 115 and in terms of the Note submitted by the Appellant, undertakes as follows, which Undertaking shall bind each of his successors as Trustee of the Temple.

A. The Trustee shall delegate his powers of administration under Section 18(2) of the Travancore-Cochin Hindu Religious Institutions Act, 1950 (The "Act") to a Committee (the "Administrative Committee" which shall administer the Temple through an Executive Officer to be appointed by the Committee.

B. The Administrative Committee shall consist of five members:

(a) The District Judge, Thiruvananthapuram, who shall, ex officio, be the Chairperson of the Committee;

(b) One member nominated by the Trustee;

(c) One member nominated by the Government of Kerala;

(d) One member nominated by the Minister of Culture, Government of India; and

(e) The Chief Thantri of the Temple.

C. All members of the Administrative Committee must be Hindus and fulfil the requirements contained in Section 2(aa) of the Act, as amended. If the District Judge, Thiruvananthapuram, is not a Hindu, the next senior most Additional District Judge of the Thiruvananthapuram District, who is a Hindu, shall be the Chairperson for so long as the District Judge, Thiruvananthapuram, is not a Hindu.

D. The term of the members of the Administrative Committee shall be three years. In case of any vacancy, prior to the end of the term, such vacancy shall be filled in the same manner as the original appointment, for the remainder of the term.

E. The Administrative Committee shall take a fresh look at the current standard operating procedures with respect to all aspects of the administration of the Temple including;

(a) Accounting for donations by devotees in cash and kind including the kanikkais;

(b) Maintaining of systems including registers for tracking the removal and return of ornaments, valuables, vessels, etc., for use from storage; and

(c) Management of darshan of devotees especially during festivals, etc. including special festivities for senior citizens, people with disabilities, VIPs, etc.

F. In all spiritual and religious matters and matters concerning the rituals to be performed at the Temple, the views of the Chief Thantri shall be binding on the Administrative Committee.

G. On all policy matters relating to the Temple administration, including the matters referred to in Paragraph J below, the Trustee shall be guided by the advice of an Advisory Committee (to be constituted as set out in paragraph H below), which shall be deemed to be the Sree Padmanabhaswamy Temple Committee constituted under Section 20 of the Act (The "Advisory Committee").

H. The Advisory Committee shall consist of:

- (a) A retired Judge of the High Court of Kerala to be nominated as Chairperson of the Advisory Committee by the Chief Justice of the Kerala High Court;
- (b) One eminent person to be nominated by the Trustee; and
- (c) A reputed Chartered Accountant to be nominated by the Chairperson in consultation with the Trustee.

The provisions contained in Paragraphs C and D above shall apply equally to the Advisory Committee.

I. The Advisory Committee shall ensure that regular annual audit of the finances of the Temple is completed by a reputed accounting firm, which shall be changed every three years.

J. The Administrative Committee shall not take any decision on the following matters of policy without obtaining the prior approval of the Trustee:

- (a) Any expense item exceeding Rs.15 lakhs per month;
- (b) Any one-time expense of Rs. 1 Crore;
- (c) Any major renovation/expansion of the Temple;
- (d) Any changes in the Standard Operating Procedures; and
- (e) Any fundamental changes in the character of the Temple that would affect the religious sentiments of the devotees.

K. If the Trustee receives complaints relating to the administration of the Temple or is of the opinion that the administration of the Temple is not being conducted properly, he shall be entitled to recommend corrective measures that may be suggested by the Advisory Committee. If the Administrative Committee is not in agreement, it shall communicate its reasons to the Trustee. However, if the Advisory Committee is nevertheless of the opinion that the corrective measures must be implemented, the Trustee may direct the Administrative Committee to implement them."

Mr. K. Venugopal, learned Senior Advocate appearing for the Original Appellant No.1 invited our attention to two facets of said Undertaking:

(1) Para "C" of the Affidavit of Undertaking stipulates that all members of the Administrative Committee must be Hindus and must fulfil the requirement of Section 2(aa) of the Travancore -Cochin Hindu Religious Institutions Act, 1950. Said Para "C" further states that if the District Judge, Thiruvananthapuram is not a Hindu, the next senior most Additional District Judge of Thiruvananthapuram District who is a Hindu shall be the chairperson.

(2) Para H(a) of the Affidavit of Undertaking states inter alia that the Chairperson of the Advisory Committee shall be a retired Judge of the High Court of Kerala to be nominated by the Chief Justice of the Kerala High Court.

Mr. Venugopal submitted that Para "C" is quite consistent with the mandate of the Statute in Section 2(aa) of the Act and the directions issued by this Court. It was further submitted that though original Note on the basis of which the directions were issued by this Court did not so stipulate, the chairperson of the Advisory Committee should be a retired Judge of the Kerala High Court as he would be more familiar with the practices of the Temple and local issues and would therefore be suitable to take up

the assignment as Chairperson of the Advisory Committee.

Mr. Jaideep Gupta, learned Senior Advocate for State of Kerala fairly stated that the submissions advanced by Mr. Venugopal on the aforesaid two counts merit acceptance and the Affidavit of Undertaking as filed, be taken on record and accepted.

In the circumstances, we accept the affidavit of Undertaking and direct that all consequential directions in Para 115 and such other stipulations in that regard shall become operative.

Since we have now accepted the Affidavit of Undertaking, four weeks time from today is granted to constitute the Administrative Committee and Advisory Committee of Sree Padmanabhaswamy Temple and to make them functional.

I.A. No. 80357 of 2020 is disposed of.

Miscellaneous Application No(s).1350/2020 is accordingly disposed.

I.A. No. 73465/2020 in M.A. (Dy.)No.16473/2020 in CA No.2732/2020:

I.A. No. 73465/2020 has been filed by Mr. V. Ratheesan IAS seeking certain directions. However, Mr. V. Subramaniam T.R, learned Advocate appearing for the applicant prays for and is granted liberty to withdraw the applications.

It goes without saying that till the new Executive Officer is appointed by the Administrative Committee in terms of the Judgement dated 13.07.2020, the present incumbant shall continue to hold the charge as the Executive Officer of the Sree Padmanabha Swamy

Temple.

We place on record our sincere appreciation for the efforts put in by the applicant as Executive Officer of the temple and by the erstwhile Administrative Committee.

With the aforesaid observations, the applications are disposed of as withdrawn.

.J.
[UDAY UMESH LALIT]

.J.
[INDU MALHOTRA]

New Delhi
August 25, 2020.

Corrected

ITEM NO.301 Court 5 (Video Conferencing) SECTION XI-A

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 SMiscellaneous Application No(s).1350/2020 in C.A. No.2732/2020

SRI MARTHANDA VARMA (D) TH. LR. & ANR. Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS. Respondent(s)

(IA No. 72267/2020 - APPROPRIATE ORDERS/DIRECTIONS
& I.A.NO.80357/2020- APPLICATION FOR DIRECTION(S))

WITH

Diary No(s). 16473/2020 (XI-A)

(IA No. 73465/2020 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 25-08-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

For the parties:

Mr. Venkita Subramoniam T.R, AOR

Mr. P.N. Ravindran, Sr. Adv.
Mr. V. K. Sidharthan, AORMr. Krishnan Venugopal, Sr. Adv.
Mr. Gaurav Ray, Adv.
Mr. Surya Prakash, Adv.
Mr. Shivendra Singh, Adv.
Mr. V. Shyamohan, AORMr. Jaideep Gupta, Sr. Adv.
Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. G. Prakash, AORMr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.

Mr. Akhil Abraham Roy, Adv.
M/s. K.J. John & Co., AOR

Mr. M.K.S. Menon, Adv.
Mr. K. R. Sasiprabhu, AOR

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

Miscellaneous Application No(s).1350/2020 in C.A. No.2732/2020
is disposed of in terms of the signed order.

I.A. No. 73465/2020 in M.A. (Dy.)No.16473/2020 in CA
No.2732/2020 is disposed of as withdrawn in terms of the signed
order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)