

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 20 OF 2026**

Prashant Vasantrao Salunke

VERSUS

Union Of India Thr. Secretary Ministry Of Culture And Ors.

WITH

INTERIM APPLICATION (STAMP) NO. 6653 OF 2026

IN

PUBLIC INTEREST LITIGATION NO. 20 OF 2026

Appaso Balu Desai And Ors.

VERSUS

Union Of India Thr. Secretary Ministry Of Culture And Ors.

Mr. Yuvraj P. Narvankar a/w Mr. Vinayak Belgaonkar a/w Ms. Anushka H. Mule, advocate for the Petitioner

Mr. Anand Kulkarni, a/w Ms. Divya Arvind Pawar i/b Mr. Shivraj Jagdale and Mr. Rahul R., Mr. Vijay Killedar, advocate for Respondent Nos. 1 to 4, Union of India

Mr. Siddheshwar B. Kalel AGP for the State

Mr. Samadhan Patil, Dy. Executive Engineer-MSRDC Respondent No. 12

Mr. Kedar Lad, advocate for Respondent No. 10

Mr. D. V. Sutar a/w Ms. Reshma Adnaik, advocate for Respondent No. 11, Mr. Sanjay Balu Patil, Village Development Officer present for Respondent No. 11

Mr. Manoj A. Patil a/w Mr. Shubham R. Dhenge a/w Ms. Ankita Mali, Advocate for the Intervener

**CORAM : MILIND N. JADHAV, &
NANDESH S. DESHPANDE, JJ.**

DATE : 3rd AUGUST 2026

P. C. :

1. Heard respective parties.

2. Pursuant to our directions contained in the previous order dated 6th July 2026, today the hearing is held in furtherance of the cause espoused for the resurrection, restoration, augmentation, preservation, and protection of the heritage site, namely the historic Kopeshwar Temple, which is the subject matter of the present Public Interest Litigation (PIL).

3. As a matter of coincidence, one of us [Coram: Milind N. Jadhav, J.] had the opportunity to visit the heritage temple on 1st August 2026. Certain observations were made, and we wish to clarify that the said visit was not with regard to the hearing in the present matter, but occurred purely as a matter of coincidence. Nevertheless, the observations made were today shared with the learned Advocates for the various parties before us, as also the Deputy Executive Engineer, Mr. Samadhan Patil, who is giving instructions to the learned AGP in the present matter, all of whom have acknowledged the same.

4. However, observations made by the naked eye by a person who is not an expert may undoubtedly differ from those contained in an expert opinion that may ultimately be rendered. Further, it is

also necessary to ascertain the exact status of the existing condition of the structures and features at the said world heritage site. We reiterate that all actions of the Respondents herein need to be focused towards the resurrection of the temple and addressing the immediate issues plaguing the restoration and resurrection of the said temple. There are five very pressing issues. The temple is a world heritage temple that had taken centuries to build, and every part of it depicts history, culture, and the vibrancy of our State.

5. The Kopeshwar Temple is a 12th century architecture marvel dedicated to lord Siva built by the Shilahara dynasty between 1109 – 1178 CE and its sits on the bank of Krishna river and its famous for its intricate stone carving and unique detailing. It is built using heavy volcano black basalt rock from the Sahayadri mountain range brought via the river during floods. It is renowned for its unique circular open-topped (Swarg Mandap) intricate stone craving and a rare joint shrine where both Shiva and Vishnu are venerated. It has unique deities depicting both Shivalinga (Kopeshwar) and Vishnulinga (Dhopeswar) side by side and noticeably lacks a statute of (Nandi), the bull in front of main shrine. It was built during the 12th century by the Shilahara King- Gandaraditya, later

worked on by the Yadava kings. Due to the high density of detailed life-like mythological sculpture carving, its exterior wall, it is the Khajuraho of Maharashtra. It has a unique circular open-topped heavenly hall called “Swarg Mandap” supported by 48 excessively carved pillars with center-locking holes in the center looking up at the sky. The entire outer basement and exterior of the temple is supported by stone carving of 92 elephant facing outwards alongwith significant mythological stories depicted in the carving. In all, there are 108 pillars supporting entire temple structure.

6. There are two huge cracks developed in the ceiling; one in the inner sanctum (Garbhagriha) and one at the entrance, which are noticeable to the naked eye. On the south side of the temple, immediately outside the Garbhagriha, there is huge seepage of water, over the entire wall, because of which the entire wall is completely wet. Incidentally, on 1st August 2026, there was a heavy downpour, and we all witnessed it. The Deputy Executive Engineer also agrees that these issues need immediate attention.

7. The other three issues which plague the world heritage site and require immediate attention pertain to the outer Swarga

Mandap, which is supported by 48 pillars, each depicting a different facet of history. These 48 pillars are supported by interlocking blocks which virtually hold the entire Swarga Mandap and support the roof, which once again depicts the rich heritage of mythology and history endured for centuries together. It is given to understand that even if one of these 48 pillars is damaged or gives way, the entire Swarga Mandap may collapse. A similar instance has happened in a similar temple as informed by Mr. Narvankar and documented in the petition. We are not experts, but fortunately for us, the learned Advocates and those who have been there, as also the Deputy Executive Engineer, totally agree with these facts.

8. Immediate attention is required for the restoration of three such affected pillars: Two of the pillars, due to their load bearing capacity and weight, due to weather, wear and tear, and exposure to the monsoon, have tilted slightly. These two pillars that have tilted require immediate attention and resurrection. The third pillar has, in fact, virtually given way, as has been noticed by the Archaeological Survey of India (ASI) and the ASI has put up metal props to arrest the fall of the said third pillar. There are other minor issues also.

9. However, *qua* the heritage temple, these five things require immediate attention. We have impressed upon the ASI, as also the Collector who is seized with the task of utilising Government funds allocated for the resurrection and preservation of the world heritage temple, to immediately focus on these issues and take necessary steps without waiting any further and apprise the Court on the next date.

10. That apart, we would also like to make certain observations before we record the statements and submissions of the learned Advocates about the issue relating to security, as also the maintenance of the said world heritage temple site. We have apprised Mr. Kulkarni, holding for Mr. Killedar on behalf of the ASI, that the guards of the ASI posted at the temple are all lady guards, and it is seen that they are virtually unable to control the ingress of cows, mostly brought by local residents, on certain days of the week whereby animals (like cows for the purpose of worship and feeding them) are led inside the temple. Such practices need to be stopped. We were also informed by the Police Patil that many visitors take their pet dogs inside the temple and are not stopped by the guards. A video clip to that effect is available with the Police Patil.

11. Whenever we visit heritage sites in our country, we are inundated with huge plaques and signboards of the ASI setting out applicable rules and regulations. These signboards and plaques ought to be displayed at appropriate places outside the temple. These were absent; rather, they were placed inside and were in a very bad, dilapidated and broken condition. Therefore, all that we have impressed upon the ASI is to see that appropriate plaques and boards depicting the rules and regulations of the ASI for venturing into heritage sites are displayed outside the temple. We are sure that the ASI will take appropriate steps in that regard and accordingly apprise us on the next date of hearing.

12. Notwithstanding the aforesaid facts, we have heard all the learned Advocates. Mr. Kalel, learned AGP, has made a valiant effort to take us through the additional affidavit filed in compliance with the directions contained in the order dated 6th July 2026. Mr. Kalel submits that Paragraph 3 of the said affidavit-in-reply details the steps taken for incurring the expenditure of approximately ₹10 Crores towards the construction of the compound wall. He submits that it is not merely the compound wall which is being built, but also all additional structures which are incidental and ancillary

thereto, which include the ramp for the disabled and the entire pathway/pavement, which is why the subject matter is incurring such huge expenditure.

13. Though we are not experts, an element of doubt has been raised from all quarters about the expenditure. What we expected of the Government was to tell us the extent of the work to be done. This is not done. A humongous expenditure of ₹10 Crores proposed to be incurred on the compound wall is something which is beyond comprehension to a prudent man, and more so when the amount is drawn from the State's exchequer. The primary purpose undoubtedly would be to preserve the temple first which is not even on the horizon. What we have observed, and what is also agreed to by the Deputy Executive Engineer is that the outer compound wall is fully raised, but the construction of some inner compound wall is going on. We would like to know how this has been done and to what extent it will be done, so that we can consider the justification for incurring such a humongous expenditure of more than ₹10 Crores.

14. In that view of the matter, and for all other issues delineated

herein by us, we propose to appoint a Committee of Advocates practicing at the Bar at the Kolhapur Circuit Bench to aid and assist the Court by visiting and inspecting at the said temple and submitting an appropriate report, so that the said report can be made available to the concerned Respondents who are incurring such a humongous expenditure on the compound wall. We clarify that our directions may not be taken adversely by any of the Respondents before us, because they are intended solely to ensure transparency in the process when such humongous expenditure is incurred.

15. The second expenditure of approximately ₹12.84 Crores, being expended by the Respondent-State through the MSRDC is towards the construction of a river Ghat adjacent to the temple. At first blush, one may consider it necessary since the temple is situated in a unique position, being surrounded by a U-shaped Krishna River flowing around it, and on the opposite bank of the said Krishna River lies the boundary of the State of Karnataka.

16. However, we have reservations about accepting such a humongous expenditure towards the Ghat (or river bank), which is

admittedly at a distance of 200 meters from the temple as confirmed and informed by the Deputy Executive Engineer before us. When a substantial amount is set aside for the preservation of a heritage relic, whether spending a humongous amount of ₹12.84 Crores on the development of a river Ghat which is in the nature of a public development lying beyond and outside the scope of the heritage relic and the temple and situated at a distance of about 200 meters, is not at all feasible and *prima facie* such an expenditure cannot be approved from ₹44 Crores out of the ₹101 Crores sanctioned for restoration of the heritage temple.

17. When we put this question to Mr. Kalel and the Deputy Executive Engineer who is present in Court, in their usual fair-mindedness, they agreed that, yes, the Ghat is in the nature of a public development which is situated 200 meters away from the temple. In fact, there is a Development Plan road which is fully constructed and operational between the temple and the Ghat, leading to the Ghat. Therefore, we *prima facie* feel that if this is the situation, it needs to be ascertained. Hence, the Committee that we propose to appoint shall also ascertain this, and place such details on record, so that there is no ambiguity with regard to the

expenditure of ₹12.84 Crores on the river Ghat which is proposed to be incurred out of the ₹101 Crores allocated by the State for a completely alien development not having any nexus with the heritage temple.

18. We are informed that ₹44 Crores out of these ₹101 Crores have been specifically allotted for the preservation and resurrection of this very heritage site. Therefore, one-third of the said amount cannot be allowed to be spent on a public-purpose development which is 200 meters away from the temple, which probably, in our opinion, may not have any nexus with the world heritage site. The entire purpose would be defeated by making such an expenditure on a public development, which undoubtedly is the responsibility of the State and for which the State will have to take appropriate steps in accordance with law. The temple funds cannot be diverted in this fashion. The temple itself needs substantial funds for its preservation and restoration which one yet to be ascertained.

19. In that view of the matter, we are not at all impressed with the submissions, observations, and statements made in Paragraph No. 4 of the additional affidavit filed by the State. We leave it to the better

judgment of the State, and further orders will be passed after the Court Committee that we propose to appoint gives us a report after ascertaining the aforesaid status. All that we would like to impress upon the Respondents is that a substantial amount of ₹44 Crores will have to be spent on the preservation and augmentation of the world heritage temple site which we need to pass on to our future generations.

20. Mr. Sutar, learned Advocate appearing for the Gram Panchayat submits that if the Archaeological Survey of India (ASI) issues any permissions under the extant Act for structures surrounding the temple, copies of the same should be furnished to the Gram Panchayat.

21. Mr. Narvankar, in his response, informs the Court that until now the Gram Panchayat has been acting as the Planning Authority and issuing permissions. If that is the case, it is a matter of serious concern. However, that we leave to the better judgment of the concerned authority, namely the ASI, which is the competent authority under the Act, and with regard to whom we have given appropriate directions in our previous order *qua* the structures in

the core area and the regulated area. The powers of the ASI will have to be exercised accordingly in terms of those directions and in that context.

22. Mr. Kulkarni, on behalf of the ASI, places before us a communication addressed to the Gram Panchayat stating that they should provide the details of the permissions which they have issued to the structures surrounding the temple. If that is the case, then the Gram Panchayat will have to cooperate with the ASI. All that we would say is that if any action is required to be taken by any of the competent authorities, they will follow the rule of law. We do not want a situation where, because of our orders or because of the principal cause that this PIL is espousing, any coercive steps are taken by the Collector or ASI as a knee jerk reaction against any of the structures. Though we are unhappy with some of the structures surrounding the temple and leaning on its compound wall, still the rule of law is the governing principle in this State, and the same will have to be adopted in respect of every structure owner.

23. Mr. Sutar seeks permission of the Court to interject and submits that since 2010, the Gram Panchayat has not granted any

permissions. We make note of this. We do not want to hold any person responsible for what has happened, because we do not want the principal issue of temple conservation to be sidelined and to suffer in this cause.

24. Mr. Narvankar, on behalf of the Petitioners, makes various submissions. He submits that undoubtedly the expenditure incurred on the river Ghat has no nexus with the conservation of the principal cause of action, and therefore the expenditure of ₹12.84 Crores ought to be rejected by the Court. We have already made observations in this order, and we expect the Government to come clean on this. It is not as if this Court is coming in the way of the Government and the development of the region. Once the temple is conserved, whatever amount remains can undoubtedly be used for other purposes including the development purposes of the river Ghat or otherwise. We are in disagreement with the Government spending such a humongous amount on such public development even before the immediate measures for temple conservation are addressed.

25. Mr. Narvankar would then submit that the issuance of the

Letter of Intent (LOI) to M/s. Structural Designers and Consultants by the MSRDC is purely on a private negotiation basis. He would submit that a humongous amount of ₹24 Lakhs has been given, or rather agreed to be given, to M/s. Structural Designers and Consultants for undertaking a structural survey of the temple. Mr. Narvankar would submit that the temple is not that big in size, but what it requires is an expert eye to ensure that the survey is done in the best possible manner. He would, in fact, agree with the observations made by the Court with regard to the immediate concerns which are required to be addressed, and would submit that the appointment of a consultant for such humongous fees of ₹24 lacs privately is something which needs to be looked into, primarily because if the same principle is followed, the entire restoration will be awarded to somebody privately without even issuing a tender. Therefore, he would submit that an explanation be sought as to why such a knee-jerk reaction was taken by the Government after the passing of the previous order dated 1st July 2026 in issuing the Letter of Intent through private negotiations. Ultimately, he would submit that the amount of ₹24 Lakhs is also being expended from the State exchequer, and the same also needs to be accounted for in

a transparent manner.

26. On the point of appointing M/s. Structural Designers and Consultants, Mr. Narvankar, on instructions, points out that they appear to have been blacklisted by the State at some point of time. However, he submits that he will conduct appropriate research and file an affidavit to aid and assist the Court in this regard.

27. Next, Mr. Narvankar has made a very important point. He submits that more than 15 years have passed, but site-specific bye-laws which are mandated under Section 20E of the ASI Act and the Heritage Bye-laws/Rules, 2011, for the present heritage temple structure have not been framed till today. We put the ASI on notice with regard to this fact and apprise us on affidavit on the next date.

28. This heritage temple is situated in a very unique place. It has a rich culture and history by virtue of its location. Whatever bye laws and rules are required to be made have to be made from the point of view of the river which surrounds the temple on almost three sides keeping in mind the flood situation, since we are informed that Khidrapur town and the temple site is a 100% flood-prone area. In 2019, we were informed that the entire Khidrapur heritage

temple, including all five structures of the temple, was under water up to a height of 12 feet. We just hope that such a situation never arises again. Since such a situation did arise in 2019, certain damage was done. That apart, the weather, wear and tear, and the inevitable monsoons which the temple has faced have also weakened the structure. All that we would say is that the ASI and the structural engineers should immediately apply their mind to the immediate restoration and resurrection issues that are required.

29. Mr. Lad, appearing for the Zilla Parishad, submits that they would cooperate for the purpose of the conservation of the temple and ensure that all steps are taken if they are so apprised by any of the Respondents.

30. Mr. Patil, learned Advocate, appears for the structure owners. This is a matter which is also of equal concern, but we would like to make it clear that the principal issue involved here is the conservation of the temple. Undoubtedly, the structure owners will also have to be put on notice, because something which is unpardonable or contrary to law will have to be dealt with according to the rule of law. With regard to the structure owners, we

have already passed directions in our previous order, and they shall be carried forward by the concerned authority in accordance with law.

31. With regard to the aforesaid observations, we feel that a Committee of Advocates practicing at the Kolhapur Circuit Bench should be appointed. Therefore, we appoint following Advocates as a “Court Committee” through the High Court Legal Aid Services Committee, Mumbai, Circuit Bench at Kolhapur. :

1. Mr. Ritesh M. Thobade.
2. Mr. Rugwed Kinkar
3. Mr. Utkarsha Desai
4. Mr. Siddharth Shitole
5. Ms. Bhargavi Patil.

32. Their appointment order shall be issued by the Registry forthwith, alongwith a set of the entire papers. They are directed by this Court to ascertain the status of the Khidrapur Temple and prepare an appropriate report after visiting the said site, and after conferring with the Gram Panchayat, the Police Patil, the Deputy Executive Engineer (who is directed to assist them at their convenience), the PIL Petitioner, and any other person interested. The police authorities are directed to provide police protection to

this Court Committee when they visit the temple for inspection along with the officials listed above. We direct the Collector to also spare some time if possible during the visit to the temple by the Court Committee and provide information and logistical support to enable them to make their report to the Court.

33. We make it clear that this Court Committee has been formed to ensure that what we have observed in the above order is ascertained by an independent fact-finding body, so that there is no ambiguity for this Court while passing further directions when the matter is heard next. The ASI officers will also ensure that they extend all necessary assistance to this Court Committee.

34. The Court Committee shall submit a report within a period of four weeks from today to the Court on all the above noted issues and also supply copies to all concerned parties for them to consider the report and suggestions given.

35. Stand over to 31st August 2026.

[NANDESH S. DESHPANDE, J.]

[MILIND N. JADHAV, J.]

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