

In the High Court of Judicature at Madras

Dated: 13.02.2017

Coram

The Honourable Mr.JUSTICE B.RAJENDRAN

**W.P.No.3532 of 2017
and
WMP No.3543 of 2017**

Manoharan

[PETITIONER]

Vs

- 1 The Principal Secretary and Commissioner ,
Government of Tamil Nadu,
Department of Archaeology,
Tamil Valarchi Valagam,
Halls Road, Egmore,
Chennai 600 008.
- 2 Superintending archaeologist
Archaeological Survey of India,
Chennai Circle, Fort St. George,
Chennai 600 009.
- 3 The Commissioner,
Pallavaram Municipality,
Chrompet, Chennai 44.

[RESPONDENTS]

Prayer:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents to withdraw the notification categorizing that the petitioners property measuring 14 cents comprised in Survey No. 277/15 Keelkaattalai Village (Madipakkam Part II Village) Pallavaram Taluk Kancheepuram District as Prohibited areas notified under the provisions of Ancient Mounments and archaeological sites and Remains Act as ancient monument or the archeological site and remains of national importance.

For Petitioner : Mr.R.Chandasudan
For Respondent : Mr.S.V.Duraisolaimalai
Additional Government Pleader
ORDER

The prayer in this petition is to direct the respondents to withdraw the notification categorizing that the petitioners property measuring 14 cents comprised in Survey No. 277/15 Keelkaattalai Village (Madipakkam Part II Village) Pallavaram Taluk Kancheepuram District as Prohibited areas notified under the provisions of Ancient Monuments and archaeological sites and Remains Act as ancient monument or the archaeological site and remains of national importance.

2.According to the petitioner, his property being classified as prohibited area as it falls within the range of 100 meters from the place declared as ancient monument and archaeological sites and he is unable to develop his own property. Further, the respondents issued notifications declaring certain areas as of national importance in which certain restrictions have been imposed. There is no heritage monuments of importance in survey numbers mentioned in the notification by the respondents. Hence, the petitioner has come up with this petition to direct the respondents to release his property

from the purview of the said notification.

3.Heard both sides.

4.This writ petition is only filed to circumvent the earlier order of this court in W.P.No.38627 of 2016 dated 14.12.2016 ordering for joint survey the encroachments and the same is taking place. Accordingly, this court finds no merits in the writ petition and the same is dismissed. No costs. The connected miscellaneous petition is also dismissed.

13.02.2017

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B.RAJENDRAN,J.

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To

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