

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM :

THE HON'BLE MRS.VIJAYA K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.3049 of 2019 and

W.M.P.No.3323 of 2019

P.Senthil

.. Petitioner

Vs.

1. The District Collector,  
Ariyalur District, Ariyalur.

2. The Superintending Archaeologist,  
Archaeological Survey of India,  
Chennai Circle, Fort St.George,  
Chennai - 600 009.

3. The Superintendent of Police,  
Ariyalur District, Ariyalur.

4. Lakshmanan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus to direct the respondents not to construct any permanent structure within the prohibited area of 100 metres from the boundaries of National Monument Bhiragadeswarar Temple situated in Gangaikondacholapuram Village, Ariyalur District.

For Petitioner : Dr.R.Sampathkumar

For Respondents : Mr.S.Kamalesh Kannan,  
Government Advocate (R1 & R3)  
Mr.G.Karthikeyan, ASG (R2)  
Mr.R.P.Murugan Raja (R4)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition as a Public Interest Litigation to issue a Writ of mandamus to direct the respondents not to construct any permanent structure within the

prohibited area of 100 metres from the boundaries of National Monument Brihadheeswara Temple situated in Gangaikondacholapuram Village, Ariyalur District.

2. According to the petitioner, as per the National Heritage/ Monument Protection Act, 1958, no one is entitled to construct or put up any permanent structure within the prohibited limit of 100 meters from the boundaries of the said monuments. Further, the petitioner submitted that on the earlier occasion, the 2<sup>nd</sup> respondent had already evicted all the encroachers and allotted a separate place for their personal use, however, now the 4<sup>th</sup> respondent in high-handed manner is trying to put up illegal construction in the Temple area within the prohibited area of 100 m from the boundaries.

3. The 2<sup>nd</sup> respondent filed a counter wherein he has stated that the petitioner submitted a representation addressed to the District Revenue Officials, Police Authorities and to the 2<sup>nd</sup> respondent (ASI) dated 28.01.2019 requesting them to take immediate action to stop the illegal construction in the prohibited area of ASI monument - Sri Brihadheeswara Temple, Gangaikondacholapuram and his letter was forwarded to the Conservation Assistant, ASI, Thanjavur Sub Circle, who informed that he had already issued notice dated 29.01.2019 to stop the illegal construction immediately. Subsequently, the Conservation Assistant, ASI, Thanjavur has lodged a police complaint with the Inspector of Police, Meensuruti, Ariyalur District against the 4<sup>th</sup> respondent. On the basis of this, the 2<sup>nd</sup> respondent took necessary action by issuing show cause notices and addressed a letter to the Superintendent of Police, Ariyalur.

4. Since the authorities have taken appropriate action for preventing the illegal construction put up by the 4<sup>th</sup> respondent, no further direction need be issued to the authorities. However, we make it clear that the respondents 2 & 3 shall take appropriate action against the 4<sup>th</sup> respondent for putting up unauthorized construction in accordance with law.

5. With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

va

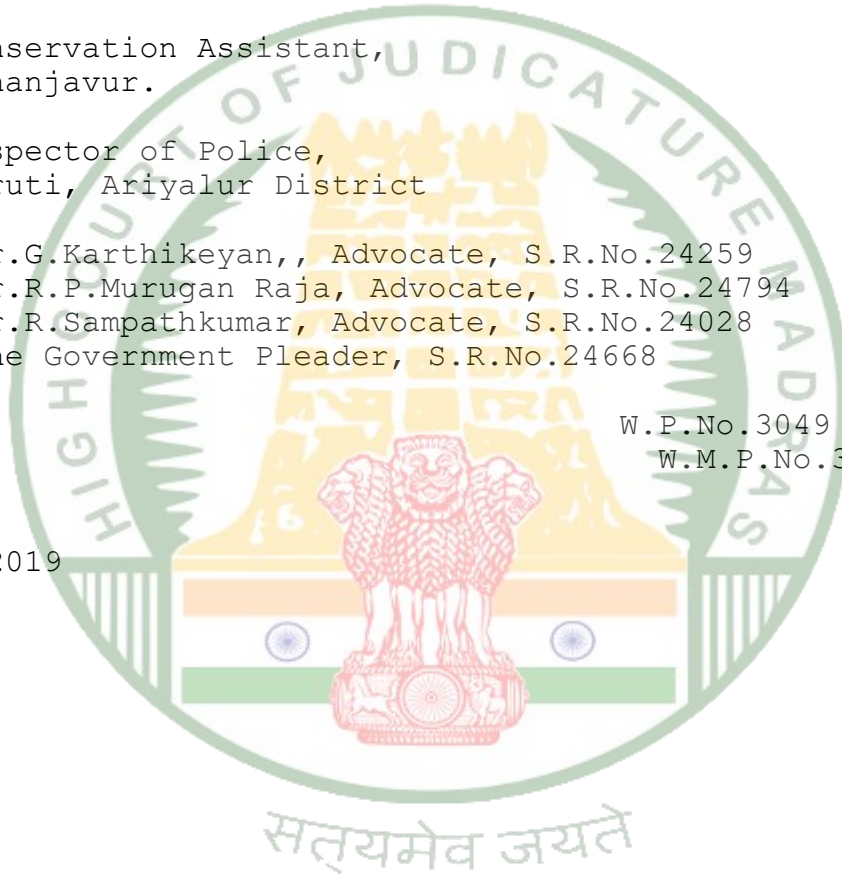
To

1. The District Collector,  
Ariyalur District, Ariyalur.
2. The Superintending Archaeologist,  
Archaeological Survey of India,  
Chennai Circle, Fort St.George,  
Chennai - 600 009.
3. The Superintendent of Police,  
Ariyalur District, Ariyalur.
4. The Conservation Assistant,  
ASI, Thanjavur.
5. The Inspector of Police,  
Meensuruti, Ariyalur District

+1cc to Mr.G.Karthikeyan,, Advocate, S.R.No.24259  
+1cc to Mr.R.P.Murugan Raja, Advocate, S.R.No.24794  
+1cc to Dr.R.Sampathkumar, Advocate, S.R.No.24028  
+1cc to the Government Pleader, S.R.No.24668

W.P.No.3049 of 2019 and  
W.M.P.No.3323 of 2019

RGN(CO)  
CS/03/04/2019



WEB COPY