

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.23277 of 2019
and WMP.No.23001 of 2019

Gangaikonda Cholapuram Development
Council Trust Represented by its Chairman
R.Komagan, Udayarpalayam, Ariyalur

...Petitioner

v.

1. The District Collector,
Ariyalur District, Ariyalur-621704.
2. The Superintending Archaeologist,
Archaeological Survey of India,
Chennai Circle, Fort St.George,
Chennai 600 009.
3. The Conservation Assistant,
Archaeological Survey of India,
Thanjavur Sub-Circle,
Big Temple Complex,
Thanjavur 613 001.
4. The Superintendent of Police,
Ariyalur District, Ariyalur 621 704.
5. The Project Director,
National Highway Authority of India,
Villupuram 605 602.
6. The Competent Authority and
Special District Revenue Officer,
(L.A.National Highway-227)
Thiruchirapalli/Ariyalur

...Respondents

(6th Respondent is suo-moto impleaded,
vide this order, dated 07.08.2019)

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the Project Director, National Highway Authority of India, Villupuram 605 602, the 5th Respondent not to carry out any road laying work within 100 metres from the boundaries of the ancient protected monument namely "Pragdeswarar Temple" situated at Gangaikonda Cholapuram, Ariyalur District.

For Petitioner : Dr.R.Sampathkumar.

For Respondents: Mr.M.Karthikeyan,
Central Government Standing Counsel
for R2, R3 and R5.

Mr.E.Manoharan,
Additional Government Pleader
for R1 and R4

O R D E R

[Order was delivered by S.MANIKUMAR,J]

Gangaikonda Cholapuram Development Council Trust, represented by its Chairman, R.Komagan, has sought for a Writ of Mandamus, directing the Project Director, National Highway Authority of India, Villupuram 605 602, the 5th Respondent herein, not to carry out any road laying work, within 100 metres from the boundaries of the ancient protected monument namely "Pragdeswarar Temple" situated at Gangaikonda Cholapuram, Ariyalur District.

2. Material on record discloses that two representations, dated 15.03.2019 and 02.04.2019, have been sent by Gangaikonda Cholapuram Development Council Trust, Aasiriyar Street, Gangaikonda Cholapuram, Ariyalur District to the District Collector, District Collectorate, Ariyalur, Ariyalur District and the Competent Authority and Special District Revenue Officer (L.A.National Highway-227) Thiruchirapalli/ Ariyalur respectively. Letter, dated 02.04.2019, reads thus:-

From
Mr.M.Sankaranarayanan B.A.,
Competent Authority and
Special District Revenue Officer
(L.A. National Highway - 227)
Thiruchirapalli / Ariyalur.

Na.Ka.NH1/197/2016

Dated 02.04.2019

Sir

Sub: Land Acquisition - Ariyalur District -
Udayarpalayam Taluk - Guruvalapparkoil -
Gangaikondacholapuram - Brihadeeswarar
Temple - Trichy - Chidambaram - National
Highway - 227 Additional Land Acquired for
Extension - Objection petition given by
Gangaikonda Cholapuram Development Council
Trust - Regarding.

Ref: Gangaikonda Cholapuram Development Council Trust
Application dated 15.03.2019.

The letter under reference is attached herewith
for taking appropriate action. Intimate the
details of action taken to the Gangaikonda
Cholapuram Development Council Trust and
send a copy of the same to this Office.

Annexure
Objection Petition - 1.
(sd) M.Sankaranarayanan
Competent Authority and
Special District Revenue Officer
(Land Acquisition National Highway - 227)
Thiruchirapalli / Ariyalur.

//BY ORDER//

For Special District Revenue Officer
Copy to
The Chairman,
Gangaikonda Cholapuram Development Council Trust,
Aasiriyar Street, Gangaikonda Cholapuram,
Ariyalur District 612 901.

Copy to
Special Tahsildar (L.A.), Part - II, Jayamkondam.

3. Contending that Pragdeswarar temple is a monument and that laying a Highway within 100 mts from the boundaries of the ancient protected monument, would cause damage the temple, the petitioner has sought for the relief, stated supra.

4. Objection of the petitioner is taken on record and that the Special Tahsildar (L.A), Part-II Jayamkondam has been addressed in this regard.

5. Competent Authority and Special District Revenue Officer (L.A.National Highway - 227) Thiruchirapalli/Ariyalur, though not arrayed as a party respondent in this writ petition, under the National Highways Act, 1956, he is authorised to consider objections, if the same are made, as per the statutory provisions. Hence, we deem it fit that Competent Authority and Special District Revenue Officer (L.A.National Highway - 227) Thiruchirapalli/Ariyalur ought to have been impleaded as a necessary party for the purpose of implementing the directions to be issued by this Court. Therefore, exercising the power under Article 226 of the constitution of India, Competent Authority and Special District Revenue Officer (L.A.National Highway - 227) Thiruchirapalli/Ariyalur, suo motu impleaded as sixth respondent in the writ petition. Impleaded respondent shall pass appropriate orders on the objection petition if any made in accordance with law under the provisions of the National High Ways Authority Act, 1988, within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

dpq

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 Conservation Assistant,
Archaeological Survey of India,
Thanjavur Sub-Circle,
Big Temple Complex,
Thanjavur 613 001.
4. The Superintendent of Police,
Ariyalur District, Ariyalur 621 704.

5. The Project Director,
National Highway Authority of India,
Villupuram 605 602.

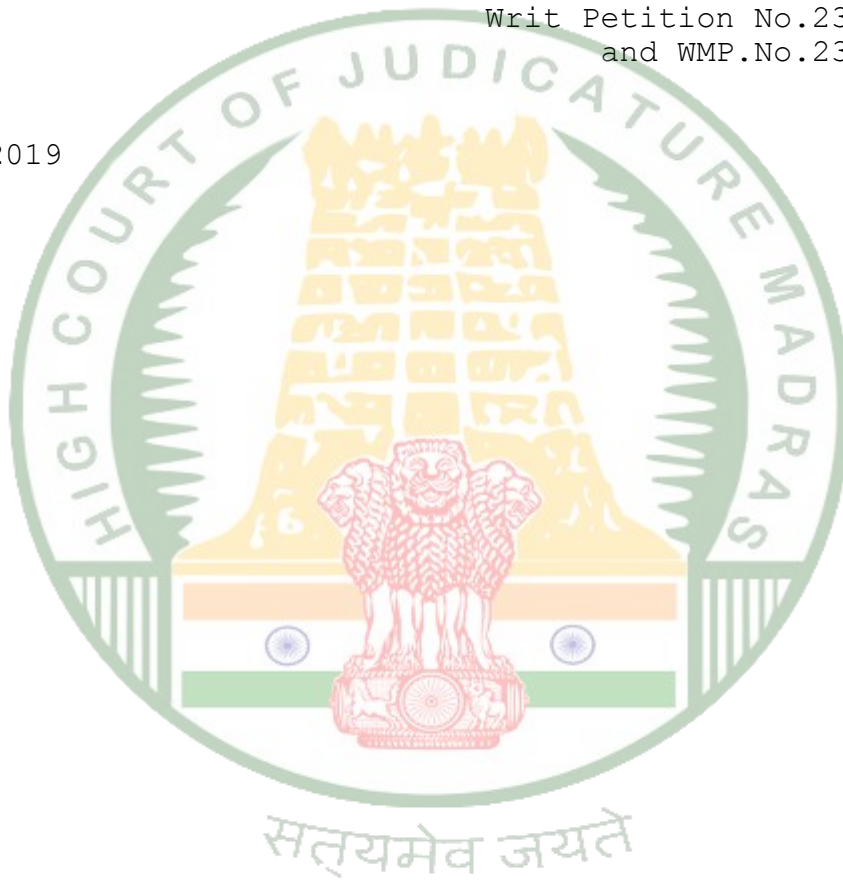
6. The Competent Authority and
Special District Revenue Officer,
(L.A.National Highway-227)
Thiruchirapalli/Ariyalur

+lcc to Dr.R.Sampathkumar., Advocate, S.R.No.68049

+lcc to the Government Pleader, S.R.No.70744

Writ Petition No.23277 of 2019
and WMP.No.23001 of 2019

RJI (CO)
CS/27/08/2019



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