



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.14492 of 2019

and

W.M.P (MD) 10927 of 2019

C.Albert Sundersingh

... Petitioner

Vs.

- 1.The Director General,
Archaeological Survey of India,
Dharohar Bhawan,
24, Tilak Marg,
New Delhi.
- 2.The Commissioner,
Department of Archaeology,
Tamil Valarchi Valaagam,
Tamil Salai, Egmore,
Chennai-600 008.
- 3.The Archaeological Officer, (I/C),
Department of Archaeology,
83, South Bazaar,
Palayamkottai,
Palayamkottai,
Tirunelveli-627 002.
- 4.The Member Secretary,
Local Planning Authority,
51, Melaratha Veethi, Tuticorin.
- 5.The District Collector,
Collectorate,
Korampallam, Tuticorin District.
- 6.The District Revenue Officer,
Collectorate,
Korampallam, Tuticorin District.
- 7.S.E.C.Devasagayam,
Bishop,
Thoothukudi-Nazareth Diocese,
Caldwell Higher Secondary School Complex,
Beach Road, Tuticorin,
Tuticorin District.



8.Rev.P.Yobu Rathinasingh,
Priest,
St.Patrick Church, Vadakkur,
Tuticorin District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent No.1 to notify the church namely St.Patrick's Church, Vadakkur, Tuticorin, Tuticorin District as an ancient monument and consequently direct the respondents 1, 2 and 5 to take over the church and its property and protect the same, on the basis of the petitioner's representation dated 30.05.2019.

For Petitioner : Mr.B.N.Raja Mohamed

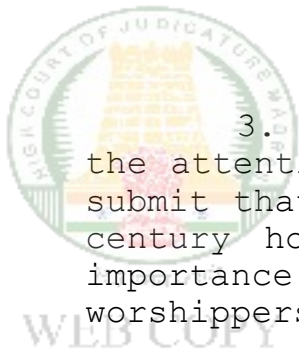
For Respondents : Mrs.S.Srimathy
Central Government Standing Counsel
for R.1
: Mr.J.Gunaseelanmuthiah
Additional Government Pleader
for R.2 to R.6

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

The petitioner is a retired employee of the Madura Coats, Tuticorin and also practicing Christianity and came forward to file this writ petition styled as a Public Interest Litigation, stating among others things that he is one of the worshippers of St.Patrick's Church, situated at Vadakkur, Tuticorin District and it is a protestant church, located very near to the Tuticorin Railway Station and it was constructed as per the Gothic style by Mr.J.E.Kearns, a Christian missionary in the year 1872 with the help of one A.Swamidason, a candidate for ordination and thus the religious structure is about 145 years old and to evidence the same, a flag has also been put up in the church premises.

2. The grievance expressed by the petitioner is that the respondents 7 and 8, under the guise of renovation, had already taken steps to demolish the entire superstructure and put up a new structure in that place and in that event, the archeological monument, which exists for 145 years, will go away and though he approached the concerned diocese repeatedly personally, it failed to invoke any kind of response and he has also submitted a representation dated 14.03.2015 to the Synod Office, followed by a detailed representation dated 30.05.2019 to the respondents 1 to 6, despite the receipt of an acknowledgment, no response is forthcoming and therefore, he is constrained to approach this Court by filing this Writ Petition.



3. The learned Counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that it is not open to the private respondents to demolish a century hold religious structure, which is having archaeological importance and it would also affect the sentiments of the worshippers and therefore, prays for appropriate orders.

4. Mrs.S.Srimathy, learned Central Government Standing Counsel, accepts notice on behalf of the first respondent. Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, accepts notice on behalf of the respondents 2 to 6.

5. This Court, taking into consideration the submissions made by the learned Counsel appearing for the petitioner and the facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representations or in this petition, directs the respondents 2 to 4 to put the respondents 7 and 8 on notice, elicit their response and thereafter, consider and dispose of the petitioner's representation, dated 30.05.2019, on merits and in accordance with law and pass orders, within a period of six weeks, from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to the respondents 7 and 8.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

/ True Copy /

Sub Assistant Registrar(CS-)

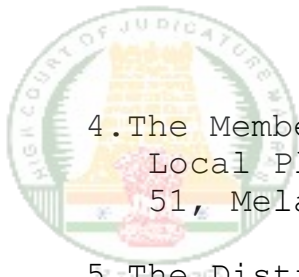
Ssl

To

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Dharohar Bhawan,
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2.The Commissioner,
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5.The District Collector,
Collectorate,
Korampallam, Tuticorin District.

6.The District Revenue Officer,
Collectorate,
Korampallam, Tuticorin District.

+1 CC to M/s.S.SRIMATHY, Advocate (SR-72387[F] dated 01/07/2019)
+1 CC to M/s.SPL GP (SR-72543[F] dated 01/07/2019)
+1 CC to M/s.B.N.RAJA MOHAMED, Advocate (SR-72822[F] dated 02/07/2019)

W.P. (MD) No.14492 of 2019
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ES/09.07.2019/4P/10C