



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD)No.8202 of 2020

The Executive Officer,
Arulmighu Nellaiyappar Arultharum
Gandhimathiamman Temple
Tirunelveli.

... Petitioner

Vs

- 1.The District Collector,
Thirunelveli District,
Thirunelveli.
- 2.The Commissioner,
Thirunelveli Corporation,
Thirunelveli.
- 3.The Chief Executive Officer,
Thirunelveli Smart City Project,
Thirunelveli.
- 4.The Assistant Commissioner,
Thirunelveli Corporation,
Thirunelveli.

... Respondents

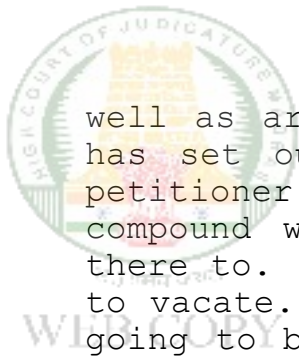
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to desist any construction within 300 meters from the ancient structure of Sri Nellaiyappar Temple, Thirunelveli against the Ancient Monuments and Archeological Sites and Remains Act, 1958, which de-stabilizes the temple construction, and to consider the representation dated 10.12.2019.

For Petitioner : Mr.S.Madhavan
For Respondents : Mrs.S.Srimathy
Special Government Pleader for R1
: Mr.Aayiram K.Selvakumar
Additional Government Pleader
for R2 to R4

ORDER

Heard the learned counsel on either side.

2. The writ petitioner apprehends that on account of the implementation of the Smart City Project near the petitioner temple, the structural stability of the temple may be affected. The petitioner temple is ancient one and has historical significance as



well as archeological importance. The petitioner in his affidavit has set out some of the important features of the temple. The petitioner states that on the southern side of the temple there is a compound wall and there are a number of shops located adjacent there to. The petitioner had called upon the occupants of the shops to vacate. While so, the petitioner has learnt that these shops are going to be demolished and a shopping complex is proposed to be constructed. The petitioner states that if pit having a depth of 40 feet is dug, for the purpose of having a basement, the temple's structural stability would be adversely affected.

3. The petitioner has given a representation dated 10.12.2019 in this regard.

4. When the matter was taken up for hearing, the learned Standing Counsel submitted that the Commissioner, Tirunelveli Corporation, had a discussion with the temple authority in this regard. The learned Standing Counsel would further state that the temple authorities are only having an apprehension and it is without any basis.

5. I am of the view that the implementation of the Smart City Project cannot result in weakening the physical structure of the temple. The temple is a very important land mark of Tirunelveli City and it is the duty of the District Administration as well as the local body to protect it.

6. I therefore direct the respondents 1 and 2 to consider the petition mentioned representation, in such a manner, as to allay the apprehension and fears of the temple authorities.

7. The Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

LS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

- 1.The District Collector,
Thirunelveli District,
Thirunelveli.
- 2.The Commissioner,
Thirunelveli Corporation,
Thirunelveli.
- 3.The Chief Executive Officer,
Thirunelveli Smart City Project,
Thirunelveli.
- 4.The Assistant Commissioner,
Thirunelveli Corporation,
Thirunelveli.

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