



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.09.2020
CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

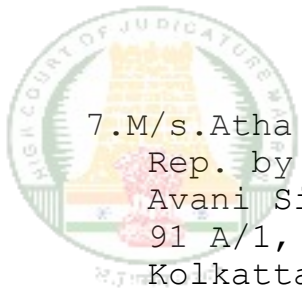
W.P. (MD)No.10679 of 2020
and W.M.P. (MD)No.9398 of 2020
(Through Video conferencing)

S.K.Arumairaj

...Petitioner

-Vs-

- 1.The Union of India
Rep. by the Director General
Archaeological Survey of India
Dharohar Bhawan,
No.24, Tilak Marg,
New Delhi.
- 2.The State of Tamil Nadu
Rep. By the Secretary
Department of Tourism and Culture
Secretariat, Fort St. George
Chennai - 9.
- 3.The Archaeological Officer
Department of Archaeological
Tamil Valarchi Valagam,
Thamizh Salai, Egmore
Chennai - 8.
- 4.The District Collector
Collectorate
Thoothukudi District.
- 5.The Executive Engineer
Public Works Department
Water Resource Organization
Chittaru Basin Division
Tenkasi, Tenkasi District - 4.
- 6.The Assistant Director (Village Panchayats)
O/o. Assistant Director
Collectorate Premises
Thoothukudi District.



7.M/s.Atha Group Solar Pvt. Ltd
Rep. by the Director
Avani Signature, 6th Floor
91 A/1, Park Street
Kolkatta - 700 016.

8.M/s.Atha Group Solar Pvt. Ltd
Therku Mayilodai Village
Kayathar Taluk
Thoothukudi District- 628 714.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 6 to declare Parakiramapandian Kulam @ Indirakulam and adjacent lands and River beds situated in Raja Pudukudi Village, Veppankulam Village and Therku Mayilodai Village at Kayathar Taluk, Thoothukudi District, which is situated on the river Chittar belonging to respondent No.5 and consequently forbearing the respondent Nos.7 and 8 from erecting solar machineries on the Parakiramapandian Kulam @ Indirakulam and adjacent lands to protect Historical Monuments and Archaeological sites within the time stipulated by this Court.

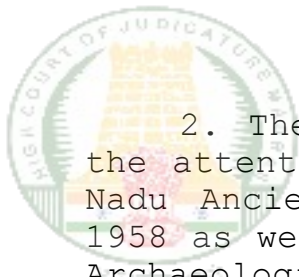
For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.M.Muthugeethaiyan,
Spl. Govt. Pleader for R2 to R6
Mr.R.Murugappan,
Central Govt Counsel for R1

ORDER

[Order of the Court was made by **M. SATHYANARAYANAN, J.,**]

The writ petitioner claims to be a public interest litigant and also the residents of Keelaparaipatti Village, Kayathar Taluk, Thoothukudi District had came forward to file this writ petition styled as a Public Interest Litigation, stating among other things that in the Public Works Department Channel viz., Parakiramapandian Kulam @ Indirakulam, situated at Raja Pudukudi Village, Veppankulam Village and Therku Mayilodai Village at Kayathar Taluk, Thoothukudi District, the 7th and 8th respondents are putting up Solar Power Plants and beneath the place/area, in which the said plants are coming in place, there is an Old Ancient Monument and Archaeological Sites and though this fact has been brought to the knowledge of the concerned official respondents in the form of representation dated 10.07.2020, no action has been taken and therefore, the petitioner is constrained to approach this Court by filing this writ petition.



2. The learned counsel appearing for the petitioner has drawn the attention of this Court to some of the provisions of the Tamil Nadu Ancient Monuments and Archaeological Sites and Remains Act, 1958 as well as the Tamil Nadu Ancient And Historical Monuments And Archaeological Sites and Remains Act, 1966 and would submit that if the Solar Plants are put in place in the said place, then the ancient history would be forgot and it is high time, the said area should be declared as Ancient Monument and Archaeological Sites in the light of the above said statutory provisions and hence, prays for appropriate orders.

3. Mr.M.Muthugeethaiyan, the learned Special Government Pleader, who accepts notice on behalf of the respondents 2 to 6 would submit that the main idea behind the filing of the writ petition is to stall the on going project undertaken by the respondents 7 and 8 and the present Public Interest Litigation has been filed not with a public motive.

4. This Court has considered the rival submissions and also perused the records placed on record.

5. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 3rd respondent in co-ordination with the 5th respondent and after putting on notice the respondents 7 and 8, shall consider and dispose of the petitioner's representation dated 10.07.2020, in accordance with law and pass orders within a period of 10 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 5, 7 and 8.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

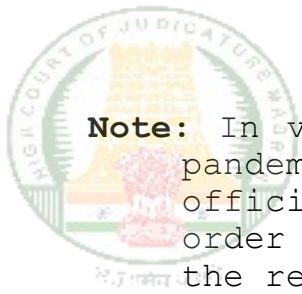
Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

vsm



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.

WEB COPY

To

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O/o. Assistant Director
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+1 CC to the SPL GP (SR-15839[F] dated 03/09/2020)

W.P. (MD)No.10679 of 2020
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CS (10.09.2020) 4P 8C