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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.42909 OF 2016

1. Mr.Samayamuthu
2. P.Madan
3. M.Rajendra Prasad
4. Sanjeevi

... Petitioners

.Vs.

1. The Director General,
Archaeological Survey of India,
Janpath, New Delhi - 110 011.
2. The Superintending Archaeologist,
Archaeological Survey of India,
Chennai Circle, Fort St. George,
Chennai - 600 009.
3. The Commissioner (I/C),
Department of Archaeology &
Competent Authority, Tamil Nadu,
(AMASR Validation Act),
ASI Chennai & Thrissur Circle.
4. The Competent Authority,
Department of Archaeology,
Tamil Valarchi Valaagam,
Halls Road, Egmore,
Chennai - 600 008.
5. The District Collector,
Collectorate Office,
Tiruvannamalai.
6. The Tahsildar,
Cheyyar,
Tiruvannamalai District.
7. The Canara Bank,
Sannathi Street,
Vadapalani Branch,
Chennai.



8. The Wapa Foundation,
1/24 Dr.Subbarayan Nagar 8th Street,
Kodambakkam, Chennai.

... Respondents

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PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the one to four respondents to dispose of the representation dated 15.06.2016 in accordance with law within a fixed time frame by this Hon'ble Court.

For Petitioners : M/s.Harshitha
For M/s.Usharamman

For Respondents : Mr.G.Karthikeyan
[For R1 to R4]

Mr.C.Kathiravan
Government Advocate
[For R5 and R6]

Mr.P.Raghunathan
For M/s.T.S.Gopalan & Co.
[For R7]

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 4, to dispose of the petitioners' representation dated 15.06.2016, in accordance with law

2. The grievance of the writ petitioners is that the third respondent illegally sold the property belongs to the Department of Archeology. Even if any such illegality in sale of immovable property, the petitioners have to approach the competent forum and High Court cannot adjudicate such disputes in a writ proceedings under Article 226 of the Constitution of India.

3. The learned counsel appearing on behalf of the 7th respondent Bank also says that the petitioners borrowed a loan from the bank and committed default in repayments. Actions are initiated under the Recovery of Debts Due to Banks and Financial Institutions Act.

4. This being the factum, it is for the competent authority of the Department of Archeology to initiate action if any



illegality is committed in respect of the land belongs to the Archeology Department. The petitioners are also at liberty to approach the authorities competent for redressal of their grievances. Accordingly, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.G.Karthikeyan, Advocate, S.R.No.52200

+1cc to M/s.T.S.Gopalan & Co., Advocate, S.R.No.52299

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KSM(CO)
PBS/28/10/2021