



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2022

C O R A M

THE HON'BLE MS.JUSTICE V.M.VELUMANI

W.P.No.17442 of 2021
and
W.M.P.No.18524 of 2021

1. V.S.Jayabal

2. Dr.S.Velumani

...Petitioners

Vs

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Tourism, Culture and Charitable Endowments
Department, Secretariat, Fort St.George,
Chennai - 600 009.

2. The Joint Commissioner/Executive Officer,
Hindu Religious & Charitable Endowments
Department, Arulmighu Aranganadhaswami Thirukovil,
Srirangam, Thiruchirapalli - 620 006.

3. The State Level Expert Committee,
Rep. by the Additional Commissioner (Thirupani),
O/o. The Commissioner,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

... Respondents

(R3 suo motu impleaded vide order dated
07.03.2022 in W.P.No.17442 of 2021)

Prayer Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to permit the petitioners to proceed with the construction of Raja Gopuram in Arulmigu Pundarikatcha Perumal Temple, Thiruvellarai in accordance with G.O.Ms.No.266 dated 19.11.2015 issued by the 1st respondent and the proceedings in Na.Ka.No.1719/1414/T5 dated 15.12.2015 issued by the 2nd respondent and the conservation manual and reports of the experts obtained by the petitioners.

For Petitioners : Mr.P.Wilson
Senior Counsel
for M/s.P.Wilson Associates

For Respondents : Mr.K.Karthikeyan
Government Advocate



ORDER

This Writ Petition is filed seeking for a direction to the respondents to permit the petitioners to proceed with the construction of Raja Gopuram in Arulmigu Pundarikatcha Perumal Temple, Thiruvellarai in accordance with G.O.Ms.No.266 dated 19.11.2015 issued by the 1st respondent and the proceedings in Na.Ka.No.1719/1414/T5 dated 15.12.2015 issued by the 2nd respondent and the conservation manual and reports of the experts obtained by the petitioners.

2. According to the petitioners, they are the donors for the construction of temples and involved in restoring and renovating various temples by collecting donation from general public and helping for conducting Kumbabishekam. Arulmighu Pundarikatcha Perumal Temple, Thiruvellarai and a sub-temple of Srirangam Arulmigu Aranganadhaswami Temple was built by the Hoysala King Veera Pallava in the 13th Century, which is incomplete and the brick construction is visible from outside in two levels. The Government has permitted for reconstruction of Rajagopuram at an estimate of Rs.5 Crores. All the concerned authorities have given report stating that the Rajagopuram can be constructed upto 7 tier level and they have collected money for reconstruction. The petitioners have started the work, but, due to the pendency of the Writ Petition in W.P.No.574 of 2015, the work was stopped. After passing an interim order in W.P.No.574 of 2015, the Hon'ble Division Bench of this Court by final order dated 07.06.2021 has held as follows:

"55(1)

.....

(6) The State shall reconstitute the State Level Expert Committee, consisting of a Structural Expert, Archaeological Expert, Conservation Expert, a qualified Traditional Stapathi preferably from the Government College of Architecture and Sculpture, Mamallapuram, an Expert from history, epigraphy, iconography and Fine arts and Two Agama Experts, besides a representative from HR&CE and PWD Departments. The State Level Expert Committee shall be responsible for carrying out and according sanctions for the repairs/renovations of the temples and archaeological sites, on the recommendation of the District Level Committees.

(7) The State shall constitute District Level Committees, which will consist of historical expert, qualified



WEB COPY

stapathis, Architectural Expert, Mural Expert, conservative expert, a representative from HR&CE Department, within a period of eight weeks.

(8) The Committee shall visit all the temples in their respective District, identify the temples and sculptures which are required to be brought under the State Act and which require immediate attention for repairing and prepare a report that is to be forwarded to the Government for appropriate action under the supervision of the Heritage Commission or the State Level Expert Committee as the case may be.

(9) The Committee shall meet at least once in every month and conduct periodical inspection of the monuments and temples in line with the objects of the HR&CE Act, Ancient Monuments and Archaeological Sites and Remains Act (Central as well as State Acts) and the Rules framed there under."

3. According to the petitioners, direction of this Court in W.P.No.574 of 2015 has already been complied with. The Government has not so far appointed a Committee as ordered by this Court and therefore, the petitioners have come out with the present Writ Petition.

4. Mr. P. Wilson, learned Senior Counsel appearing for the petitioners submitted that the Government by G.O.Ms.No.122 dated 18.10.2021 constituted the State Level Expert Committee consisting of nine members from HR & CE Department, State Archaeological Expert, Structural Engineers, Agamas Experts and Historical Experts. So far, the committee has not met. In view of the same, the petitioners are not in a position to proceed with the construction of the Rajagopuram as permitted by the Government and the same is pending for more than seven years.

5. Mr. K. Karthikeyan, learned Government Advocate appearing for the respondents submitted that the committee was constituted as per the order of this Court dated 07.06.2021 in W.P.No.574 of 2015. It is for the petitioners to approach the committee for getting permission to proceed with the construction of Rajagopuram of Arulmigu Pundarikatcha Perumal Temple, Thiruvellarai and and prayed to pass suitable orders.

6. Heard Mr. P. Wilson, learned Senior Counsel appearing for



the petitioners as well as Mr.K.Karthikeyan, learned Government Advocate appearing for the respondents and perused the entire materials on record.

WEB COPY

7.From the above materials it is seen that, according to the petitioners, they have been restoring and renovating various temple by collecting donation from general public. They have taken construction of Rajagopuram of Arulmigu Pundarikatcha Perumal Temple, Thiruvellarai, upto 7 tier level. The Government has also permitted to constructed the Rajagopuram by G.O.No.266, (Tourism, Culture and Religious Endowments Department), dated 19.11.2015 after consulting various authority with regard to the feasibility of construction of Rajagopuram. The 2nd respondent also permitted the petitioners to construct the Rajagopuram by proceedings dated 15.12.2015 in Na.Ka.No.1719/1414/T5 with certain conditions. According to the petitioners, though the petitioners are competent persons with expertise in this area and are making progress with the construction work with time tested methodology, could not complete the construction work due to the pendency of W.P.No.574 of 2015. This Court by order dated 07.06.2021 in W.P.No.574 of 2015, directed the Government to reconstitute the State Level Expert Committee consisting of nine members. This Court held that the State Level Expert Committee shall be responsible for carrying out and according sanctions for the repairs/renovations of the temples and archaeological sites, on the recommendation of the District Level Committees. In view of the said order, only after State Level Expert Committee sanctions the reconstruction/renovation of the temples and archaeological sites, the work can be started. The learned Senior Counsel appearing for the petitioners as well as the learned Government Advocate appearing for the respondents submitted that already State Level Expert Committee is constituted. In view of the same, the State Level Expert Committee, Rep.by the Additional Commissioner (Thirupani), O/o. The Commissioner, Uttanar Gandhi Salai, Nungambakkam, Chennai - 600 034 is suo motu impleaded as 3rd respondent.

8.The petitioners are directed to give representation including all the report of the authorities to the 3rd respondent within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of such representation, the 3rd respondent is directed to pass orders, taking into consideration the order passed by the Hon'ble Division Bench of this Court in W.P.No.574 of 2015 dated 07.06.2021 and the G.O.Ms.266, (Tourism, Culture and Religious Endowments Department), dated 19.11.2015, within a period of eight (8) weeks thereafter.



9. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitioner is closed.

WEB COPY

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

rst

Note:

The Registry is directed to issue certified copy of this order after the requisite Court Fee is paid for each of the member of the petitioners organization / association.

To:

1. The Principal Secretary to Government,
State of Tamil Nadu,
Tourism, Culture and Charitable Endowments
Department, Secretariat, Fort St. George,
Chennai - 600 009.
2. The Joint Commissioner/Executive Officer,
Hindu Religious & Charitable Endowments
Department,
Arulmighu Aranganadhaswami Thirukovil,
Srirangam, Thiruchirapalli - 620 006.
3. The Additional Commissioner (Thirupani),
State Level Expert Committee,
O/o. The Commissioner,
Uthamar Gandhi Salai,
Nungambakkam, Chennai - 600 034.

+1cc to M/s.P.Wilson Associates, Advocate, S.R.No.15424

+1cc to Mr.R.Bharanidharan, Advocate, S.R.No.15187

+1cc to the Government Pleader, S.R.No.15187

W.P.No.17442 of 2021
and W.M.P.No.18524 of 2021

GPL (CO)
SU(19/04/2022)