



W.P.No.1680 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.1680 of 2022

A.Balaguru

.. Petitioner

Vs.

1. The Director Superintending Archaeologist
The Archaeological Survey of India
Ministry of Culture, Government of India
Chennai Circle, Fort St. George
Chennai 600 009.

2. The Secretary
Department of Archaeology
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.

3. The Assistant Commissioner
Hindu Religious and Charitable Endowment
No.228 – II Floor
District Collector Office
Ariyalur 621 704.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus in the nature of direction on the respondents to remove the new constructions and to restore the original nature of the physical feature around 300 meters from the outer compound wall of the Arulmigu Gangaikonda Cholisvarar Temple, Gangaikonda Cholapuram as stipulated in Rule – of the Archaeological Survey of India.

For the Petitioner : Mr.V.Vijayakumar

For the Respondents : Mr.R.Rajesh Vivekananthan
Deputy Solicitor General
for Respondent-1

Mr.K.Karthik Jegannath
Government Advocate
for Respondent-2

Mr.T.Chandrasekaran
Special Government Pleader
for Respondent-3

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.V.Vijayakumar, learned counsel for the petitioner, Mr.R.Rajesh Vivekananthan, learned Deputy Solicitor General for the first respondent, Mr.K.Karthik Jegannath, learned Government Advocate for the second respondent and



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Mr.T.Chandrasekaran, learned Special Government Pleader for the third respondent.

2. The contention of learned counsel for the petitioner is that a Siva temple exists in Gangaikonda Cholapuram. The said Siva temple is known as Arulmigu Gangaikonda Cholisvarar Temple. The said temple is more than 1000 years old. The respondents have constructed toilet and cafeteria in the protected area. The same would cause damage to the archaeological monument. The respondents could have constructed the cafeteria and toilet beside the compound wall and/or beside the protected area.

3. The construction, it appears that, was already completed when the petition was filed. The same was in agreement with the first respondent.

4. The respondents 1 and 2 are the custodians of the archaeological monuments in the country. It is the duty incumbent upon them to protect the archaeological and heritage monuments.



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They cannot do any act which would endanger the archaeological monument.

5. The respondents 1 and 2 shall survey the said toilet and cafeteria constructed inside the protected area and shall confirm that the erection of the same is not, in any way, dangerous to the protected monument and that the area within the vicinity of the said cafeteria and toilet is kept free from all debris, so also the waste material is not thrown. If the same is observed, immediately action shall be taken by the respondents 1 and 2. The respondents 1 and 2 shall also consider the contention of the petitioner that the cafeteria and toilet can be more beneficial if it is beyond the protected area. The decision shall be taken by the first respondent, upon survey, preferably within three months.

6. The above observation is in view of the fact that the temple is a protected monument under the Archaeological Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 1958, as amended from time to time.



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7. With these observations, the writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.1824 and 12373 of 2022 are closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

24.04.2024

Index : Yes/No

Neutral Citation : Yes/No

kpl

To

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