



W.P.(MD) No.13215 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

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S.Arumugam

... Petitioner

-VS-

- 1.Union of India
Represented by
The Principal Secretary
Ministry of Culture
Government of India
501, C Wing, Shasstri Bhawan
New Delhi - 110 015
- 2.The Archaeological Survey of India
Represented by the Director General
Archaeological Survey of India
Janpath, New Delhi - 110 011
- 3.The Superintending Archaeologist
Archaeological Survey of India
Excavation Branch, Bangalore
5th Floor, F Wing, Kendriya Sadam
17th Main Road, Koramangala
Bangalore
- 4.The Superintending Archaeologist



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Archaeological Survey of India
Trichy Circle, Main Guard Gate
Theppakulam, Trichy 620 002

5.The Commissioner
Department of Archaeology
Tamizh Valarchi Valaagam
Tamilzh Saalai, Egmore
Chennai - 600 008

6.The District Collector
Office of the District Collector
Thoothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus to direct the respondents No.1 to 6 to take appropriate measures to ensure the Basic facilities by constructing Toilets, proper lightings with electricity connection, Drinking Water Facilities, informative sign boards and proper security measures in the Protected Archaeological Monument Kazhugumalai Hillock in Thoothukudi District in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India for R1 to R4
Mr.P.Thilakkumar
Government Pleader for R5 & R6

ORDER

R.MAHADEVAN, A.C.J.
And



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G.R.SWAMINATHAN, J.

Heard both sides.

2. This writ petition has been filed in public interest for directing the authorities to provide basic amenities in Kazhugumalai Hillock. The said hillock is famous for Lord Murugan Temple. It also houses Jain beds. The temple is notable for its architectural features. Considering its antiquity and importance, the Department of Archaeology of the Government of Tamil Nadu had declared it as a protected monument. It attracts a steady flow of tourists. Its historical and cultural significance is evident. Therefore, the State is under an obligation to safeguard such a heritage site.

3. The grievance of the petitioner is that even the basic amenities, such as toilets, are absent. There is no provision of drinking water. The facilities are not disabled friendly.

4. We find force in the contentions advanced by the learned counsel appearing for the petitioner. A public interest litigation was filed before the Hon'ble Division Bench of this Court for similar relief in respect of



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Sundara Mahalingeswarar Temple at Sathuragiri. Vide order dated 31.03.2015 in W.P.(MD) No.3990 of 2015 **[(2015) 5 LW 420 (DB)]**

T.Nellaikumar vs. State of Tamil Nadu], it was held as follows:

“6.It is well settled that as contemplated under Article 25 of the Constitution of India, subject to public order, morality and health, all persons in the country are equally entitled to freedom of conscience and also to enjoy the right to freely profess, practise and propagate any religion. Right to freedom of religion is recognised as a fundamental right, as per our Constitution, hence, it is the duty of the Government to provide all basic amenities to the pilgrims, who visit Sri Sundaramahalingam Temple at Sathuragiri Hills, irrespective of the pilgrims, financial or official status, considering the noble ideals of safeguarding the Fundamental rights guaranteed under the Constitution and for maintaining human rights.”

5. Article 49 of the Constitution of India reads as follows:-

“49. Protection of monuments and places and objects of national importance

It shall be the obligation of the State to protect every monument or place or object of artistic or historic interests, declared by or under law made by Parliament to be of national importance, from spoliation, disfigurement,



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destruction, removal, disposal or export, as the case may be.”

6. No exception can be taken to a demand seeking enforcement of the aforesaid directive principle of State of policy. We direct the respondents 5 and 6 to ensure the following:-

- (i) Sufficient number of toilets with water facilities shall be constructed.
- (ii) Drinking water facilities should also be available.
- (iii) The area should be adequately illuminated.
- (iv) There must be appropriate security arrangements to ensure that there is no theft or trespassing or committing of defacement.
- (v) There should be proper signage and information boards.
- (vi) Persons suffering from disability should be able to visit the site without much of inconvenience.
- (vii) Authorised guides must be appointed.
- (viii) The entire area should be litter free. Every step must be taken to ensure that there is no dumping of



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garbage. The aesthetic appearance of the place must be maintained intact.

(ix) Adequate number of dust-bins must be there.

7. The entire exercise shall be carried out within a period of six months from the date of receipt of a copy of this order.

8. The writ petition is allowed on these terms. No costs.

[R.M.D., A.C.J.]

[G.R.S., J.]

20.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

1.The Principal Secretary,
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Government of India,
501, C Wing, Shasstri Bhawan,
New Delhi - 110 015.

2.The Archaeological Survey of India,
Represented by the Director General,
Archaeological Survey of India,



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