



W.P.(MD).No.18904 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.09.2024

CORAM

**THE HONOURABLE MR.D.KRISHNAKUMAR,
THE ACTING CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

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Narayana Moorthi

.. Petitioner

Vs.

- 1.Union of India,
Rep. by the Principal Secretary,
Ministry of Culture,
Government of India,
501, 'C' Wing, Shastri Bhawan,
New Delhi - 110 015.
- 2.Archaeological Survey of India,
Represented by the Director General,
Archaeological Survey of India,
Janpath,
New Delhi - 110 011.
- 3.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education and Sports
and Youth Welfare,
Fort St.George,
Chennai - 600 009.



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4.State of Tamil Nadu,
Represented by the Commissioner,
Department of Archaeology,
Tamil Valarchi Valaagam,
Thamizh Salai,
Egmore,
Chennai - 600 008.

5.The Superintending Archaeologist,
Archaeological Survey of India,
Bangalore Circle, 5th Floor, "5" Wing,
Kendriya Sadan, 17th Main Road,
Koramangala, Bangalore - 560 034.

6.The District Collector,
Office of the District Collector,
Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to take action for excavation and scientific research in the Archaeological site of Padiyur, Dindigul District within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For R-1, R-2 & R-5: Mr.K.Govindarajan
Deputy Solicitor General of India

For R-3, R-4 & R-6: Mr.P.Thilakkumar
Government Pleader



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ORDER

**(Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE)**

The prayer sought for in this Writ Petition is to direct the respondents to take action for excavation and scientific research in the Archaeological site of Padiyur, Dindigul District.

2. A detailed status report dated 17.04.2024 has been filed by the fourth respondent by stating that the claim of the petitioner for excavation work in the aforesaid site by the State Archaeology Department is not feasible. A copy of the status report was also served to the petitioner.

3. The learned counsel for the petitioner would strongly object to the same and would submit that there is a possibility for the State Archaeology Department to excavate in the aforesaid location, since one acre of vacant land is available for the State Archaeology Department to proceed with the said excavation work for the purpose of preserving the precious ancient sites and protecting the ancient monuments. Therefore, in the larger interest of public, the petitioner has filed the present Writ Petition.



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4. According to the petitioner, in order to preserve the heritage and culture, the said vacant land can be excavated.

5. The learned Deputy Solicitor General of India appearing for the respondents 1, 2 and 5 as well as the learned Government Pleader appearing for the respondents 3, 4 and 6 would submit that a status report has been filed in the year 2019 and subsequent reports are filed on 05.03.2024 and 17.04.2024 by the authority concerned. However, so far, the petitioner has not chosen to file a reply to find out any defect in the aforesaid reports submitted before this Court.

6. In view of the above submissions, *prima facie*, we are not accepting the contentions of the petitioner. However, considering the larger interest of public, we are giving one more opportunity to the petitioner to submit all the relevant documents and materials available with him in respect of one acre vacant land before the State Archaeology Department, i.e., the fourth respondent herein, within a period of four (4) weeks from the date of receipt of a copy of this order. On receipt of the same, the authority



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concerned shall examine the same and take appropriate decision in accordance with law and the same shall be communicated to the petitioner.

The said exercise shall be completed as expeditiously as possible, preferably, within a period of twelve (12) weeks thereafter.

7. With the above direction, this Writ Petition stands disposed of.

There shall be no order as to costs.

(D.K.K., A.C.J.) (M.S.Q.,J.)
06.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm/SMN2

To

1. The Principal Secretary,
Union of India,
Ministry of Culture,
Government of India,
501, 'C' Wing, Shastri Bhawan,
New Delhi - 110 015.

2. The Director General, Archaeological Survey of India,
Archaeological Survey of India,
Janpath,
New Delhi - 110 011.



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3. The Principal Secretary,
The State of Tamil Nadu,
Department of School Education and Sports
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4. The Commissioner,
State of Tamil Nadu,
Department of Archaeology,
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