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**W.P.(MD) No.17814 of 2017**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

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SP.D.Karuppaiah

... Petitioner

-VS-

- 1.State of Tamilnadu  
rep.by the Principal Secretary  
Tourism, Culture and Religious  
Endowments Department  
Fort St.George, Secretariat  
Chennai-600 009
- 2.The District Collector  
Office of the District Collector  
Sivagangai District
- 3.The District Forest Officer  
Tamilnadu Forest Department  
Sivagangai Division  
Sivagangai-623 569



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4.The Union of India  
through its Secretary to Government  
Ministry of Environment and Forest  
New Delhi  
[R4 is *suo motu* impleaded vide  
Court Order dated 22.07.2020]

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to do renovate the fort of Marudhu Pandiyar Fort at Aranmanai Siruvayal, Sivagangai District and Sankarapathi Kottai and to save the memorial historical fort of Marudhu brothers and consequently to permit the public to visit as tourism place with basic infrastructure within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.Amjad Khan  
Government Advocate for R1 to R3  
Mr.K.Govindarajan  
Deputy Solicitor General of India for R4

### **ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

Prayer in this writ petition is to direct the respondents to renovate Marudhu Pandiyar Fort at Aranmanai Siruvayal, Sivagangai District and



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Sankarapathi Fort and to save the memorial historical of Marudhu brothers and consequently to permit the public to visit as tourism place with basic infrastructure, within the time stipulated by this Court.

**2.** Learned Government Advocate appearing for the respondents 1 to 3, on instructions, submitted that insofar as Maruthu Pandiar Fort is concerned, renovation work has already been completed in 2019-2020 under Asian Development Bank Scheme, for a sum of Rs.60.20 Lakhs and to that effect, he has also produced a copy of the communication, dated 22.01.2024, received from the Assistant Director (Admin), Department of Archaeology, Madurai, before this Court.

**3.** In view of the same, no further order is required insofar as the relief sought for by the petitioner as against Maruthu Pandiar Fort.

**4.** With regard to renovation work in respect of Sankarapathi Fort is concerned, learned Government Pleader, on instructions, submitted that based on the estimate, funds have been sanctioned for the said renovation work vide G.O.(Ms) No.33, Public Works (G1) Department, dated 23.06.2023



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and to that effect, he has also produced a copy of the said Government Order before this Court.

**5.** Learned Deputy Solicitor General of India appearing for the fourth respondent, on instructions, submitted that Sankarapathi Fort is situated within Sankarapathy Reserve Forests of Sivagangai Division. Hence, any construction activities for non forestry purpose within the forest requires prior approval of the Central Government under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. He further submitted that the user agency / beneficiary has to apply and submit a proposal seeking prior approval from the Government of India under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of forest land to non forest purpose. As per the existing procedures, all forest clearance proposal shall be applied through online portal i.e. PARIVESH (Pro Active and Responsive Facilitation by Interactive and Virtuous Environmental Single Window Hub). After receipt of the proposal from the user agency, such application has to be processed by the authority concerned in the State Forest Department and it has to be forwarded to the Ministry of Environment, Forests and Climate Change through online by the State Government along with their recommendations as



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per the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. However, till date no such proposal has been received by the Ministry of Environment, Forests and Climate Change.

**6.** In view of the above submission of the learned Deputy Solicitor General of India, we are inclined to issue the following directions:

- (I) The Principal Chief Conservator of Forests, Government of Tamil Nadu, shall forward the forest clearance proposal to the Ministry of Environment, Forests and Climate Change, through the online portal i.e. PARIVESH (Pro Active and Responsive Facilitation by Interactive and Virtuous Environmental Single Window Hub), within a period of four weeks from the date of receipt of a copy of this order.
- (ii) Thereafter, the Ministry of Environment, Forests and Climate Change shall consider the same and grant necessary permission at the earliest, if the proposal is otherwise in order, subject to the fulfilment of the other terms and conditions.



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**7.** In view of the discussion made in Paragraph No.2 of this order, insofar as the relief relates to Marudhu Pandiar Fort, this writ petition is closed. Insofar as the relief relates to Sankarapathi Fort, with the above directions, this writ petition is disposed of. No costs.

**[D.K.K., J.]**

**[R.V., J.]**

**22.02.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The Principal Secretary,  
Tourism, Culture and Religious  
Endowments Department,  
State of Tamilnadu,  
Fort St.George, Secretariat,  
Chennai-600 009.
- 2.The District Collector,  
Office of the District Collector,  
Sivagangai District.
- 3.The District Forest Officer,  
Tamilnadu Forest Department,  
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**and**  
**R.VIJAYAKUMAR, J.**

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