



W.P.(MD) No.8754 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD) No.8754 of 2026

and

W.M.P.(MD) Nos.7081 & 7083 of 2026

J.Sam Merlin

... Petitioner

Vs.

- 1.The Director General,
Archaeological Survey of India,
Dharohar Bhavan, 24, Tilak Marg,
New Delhi - 110 001.
- 2.The Principal Secretary/Director,
Department of Archaeology,
Tamil Valarchi Valaagam,
Thamizh Salai, Egmore,
Chennai - 600 008.
- 3.The District Collector,
Kanyakumari District,
Nagercoil.
- 4.The Block Development Officer,
Thuckalay Panchayat Union,
Kanyakumari District.
- 5.The Thasildhar,
Agastheeswram Taluk,
Kanyakumari District.



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6.The Executive Officer,
Valvachagostam Town Panchayat Office,
Valvachagostam,
Kanniyakumari District.

7.The Church of South India,
Rep. by its Bishop,
Bishop House,
Nagercoil.

8.The Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District at Nagercoil.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned proceedings of the second respondent in his proceedings in Na.Ka.No.E4/4311/2024 dated 22.12.2025 and quash the same as illegal and further direct the respondents herein to survey and protect the Christucoil Church (London Mission Church) located at Palliyadi, Marudhurkurichi Village, Kalkulam Taluk, Kanyakumari District and declare the same as archaeological monument.

For Petitioner : Mr.S.Vashik Ali

For R2, R3 & R5 : Mr.M.Lingadurai
Special Government Pleader

For R4 & R6 : Mr.S.Kameswaran
Government Advocate

For R7 : Mr.G.Sailendra Babu



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For R8

: Mr.K.Gnanasekaran
Government Advocate (Crl. Side)

ORDER

This Writ Petition is filed challenging the impugned proceedings dated 22.12.2025.

2. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the grievance of the petitioner is that there is a church by name Christucoil Church (London Mission Church) located at Palliyadi, Marudhurkurichi Village, Kalkulam Taluk, Kanyakumari District. The building is more than 125 years old and ought to be treated as an ancient monument of heritage value. While so, the seventh respondent is now attempting to demolish the structure and put up a new one. Therefore, when a representation was made requesting the State authorities, namely, the District Collector, to protect the structure, the same has been rejected by the impugned order and hence the petitioner is before this Court.



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3. When the matter came up for admission, Mr.M.Lingadurai, learned Additional Government Pleader, taking notice on behalf of the second, third and fifth respondents, would submit that what is challenged is only a communication addressed to the Government Pleader and that in fact, orders had already been passed on 19.11.2025 rejecting the claim of the petitioner. The property has not been declared as an ancient monument and is under the control of the seventh respondent. Therefore, the impugned order has been passed.

4. The learned counsel appearing on behalf of the seventh respondent would submit that the church is under their control and administration and that the petitioner has no right whatsoever with reference to the same. All necessary steps are being taken to preserve the heritage building and only the dilapidated portions will be renovated and repaired, without affecting the original heritage character of the church. The learned counsel would contend that while steps are being taken to restore and preserve the heritage building, the present Writ Petition has been filed with a collateral intention. The learned counsel would submit that a part of the portion, which is dilapidated and cannot be preserved at



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all, has to be demolished and appropriate constructions have to be made without losing the heritage value of the building.

5. I have considered the rival submissions made on either side and perused the material records of the case.

6. It is for the seventh respondent, who is in the administration of the church building, to undertake such actions as may be permissible under law, after obtaining due permission, with reference to renovation or demolition, as the case may be. If the case of the petitioner is that the church qualifies as an ancient monument, it is open to him to make an application under the relevant Act to have the church declared as an ancient monument. Similarly, if it is the case of the petitioner that the building is of heritage value, an appropriate representation can be made to the local body to notify the same to the Heritage Commission, as per the provisions contained under the Tamil Nadu Heritage Commission Act, 2012. Only if the building is notified as a heritage building or declared as an ancient monument, the consequential obligations under the said Act would arise. If the petitioner apprehends that the building will be wrongfully demolished by the seventh respondent, it is open to the



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petitioner to approach the appropriate Civil Court and seek interim relief against the seventh respondent.

7. Therefore, with the above liberties kept open to the petitioner, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

01.04.2026

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Neutral Citation : No

To

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D.BHARATHA CHAKRAVARTHY, J.

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