

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.804 of 2021

C.Rasu

... Petitioner

Vs.

1. The Principal Secretary and Commissioner,
Department of Archaeology, Government of Tamil Nadu,
Tamil Valarchi Valagam, Halls Road,
Egmore, Chennai – 600 008.

2. The District Collector,
Collectorate Buildings, Namakkal.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to dispose of the representation made by the petitioner dated 20.08.2020 seeking to preserve the heritage scriptures, historical monuments.

For Petitioner

: Mr.N.Umapathi

For Respondents

: Mrs.P.Vijaya Devi,
Government Advocate

ORDER

The Writ of Mandamus has been instituted to direct the 1st respondent to dispose of the representation made by the petitioner dated 20.08.2020 seeking to preserve the heritage scriptures, historical monuments.

2. The representation submitted by the writ petitioner would reveal that certain heritage scriptures and historical monuments were found near Sri Kottaianna Swamy Temple. The said Temple has been constructed during the period of 1400-1600 BC by King Allalal Ellaya Naicker. There is a construction of about 30 feet of sand compound and the said compound was attempted to be damaged by some unscrupulous persons. Explosives tanks with explosive cannonballs are available underneath the earth and these facts were published in the newspapers sometime back. The District Collector has passed an order not to alter the said soil structure. However, persons claiming to be the adjacent owners are attempting to dig the sand compound under the guise of getting gold and diamond and are trying to damage the sand structure, which is available there.

3. The petitioner further states that during the year BC 1400-1600 century, King Allalal Ellaya Naicker ruled the said area by residing in the said place and there are discussions by the elders of the Village that from the said pole, a sub-way has been constructed connecting the Nanjai Edayar Raja Temple. There is a belief that in the said sub-way, gold, diamond and other ornaments are kept by the said King. Therefore, there is a chance of getting gold, diamonds, ornaments and culverts idols, which have been probably kept in the said sub-way or in the

places nearby. There are culvert, scriptures and other important preservatives are also available in the entrance of the gateway. Anjeneya statue comprised of 2.53 metres tall in the fort is also found in a damaged condition. The petitioner submitted a representation to preserve the sculptures, culverts and other valuables found in that particular locality. Since, no action has been taken, the present Writ Petition came to be instituted.

4. This Court passed an order on 02.02.2024, directing the respondents to conduct a field inspection and submit a report with reference to the contentions set out by the petitioner in his representation.

5. Pursuant to the said direction, the Archaeological Officer, Department of Archaeology, Government of Tamil Nadu, Dharmapuri and the Assistant Executive Engineer, Department of Archaeology, Egmore, Chennai – 8 had conducted inspections and submitted a report to the District Collector and a copy of the same has been furnished before this Court. The detailed inspection report submitted by the Assistant Executive Engineer, Department of Archaeology would reveal that certain important archaeological remains are identified. Beyond the details provided in the report, it is sufficient if the conclusion given by the Department of Archaeology, which reads as under:-

“ (1) The entire fort comes under the ownership of private land that surrounds the area of 9.79.00 hectares, under survey number 195/2 and owned by Balasubramaniam and other 14 (Fourteen) individuals at Patta No.2086 and Kottaiannan Temple owned by Hindu Religious and Charitable Endowments Department.

(2) The fort wall may be declared as a protected monument, after obtaining proper concurrences (or) NOC from present ownership (i.e., Balasubramaniam and other 14(Fourteen) individuals)

(3) NOC has to be obtained from the Hindu Religious and Charitable Endowments Department for Kottaiannan Temple

(4) This Department may approach the letter from District Collector, Namakkal for suggestions, recommendations and opinions for declaring as a protected monument.

(5) 16 (Sixteen) nos of cannon ball made of stone are found inside the fort may be taken to Karur Site Museum by this Department after getting recommendations and opinion letter from the District Collector.

(6) We may take measures to construct brick pedestals under loose sculptures unprotected monument scheme by this Department for Anjeneyar stone sculpture and Hero stone sculptures

(7) Proper sign board and history information board may be installed by this Department

(8) We may inform District Collector, Namakkal to give proper protection to his Fort through revenue administration from human vandalism and thief

(9) Immediate action may be taken through the District Collector, Namakkal through revenue administration to

remove the heavy dense vegetation to protect from ruins and land sliding damage

(10) This can help to ensure the entire fort will be protected and preserved for future generations.”

6. In view of the above conclusion arrived by the Assistant Executive Engineer, Department of Archaeology and the Archaeological Officer, Dharmapuri, the respondents are directed to initiate all appropriate actions to protect the monuments, culverts, sculptures etc., and to initiate further action to do all acts under the relevant provisions of the statutes and rules in force. The site protection is directed to be given immediately, so as to avoid further damage to the site area or to the sculptures, culverts, statues etc., identified by the Archaeology Department.

7. The District Collector is directed to initiate all appropriate actions to hand over the required extent of land to the Archaeology Department for the purpose of conducting further research etc., by initiating land acquisition proceedings in the manner known to law. The said exercise is directed to be completed within a period of six months from the date of receipt of a copy of this order and during such time, the Archaeological site is to be protected.

8. With these directions, the Writ Petition stands disposed of. No costs.

08.02.2024

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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