

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Twenty Fourth day of November Two Thousand and Twenty

PRESENT

**The Hon`ble Mr.Justice N.KIRUBAKARAN
and
The Hon`ble Mr.Justice B.PUGALENDHI**

WP(MD) No.16608 of 2020

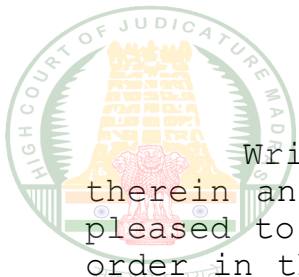
S.KAMARAJ @ MUTHALANKURICHI KAMARAJ

... PETITIONER

Vs

- 1.THE UNION OF INDIA REPRESENTED BY
THE PRINCIPAL SECRETARY,
MINISTRY OF CULTURE, GOVERNMENT OF INDIA,
501, 'C' WING, SHASTRIBHAWAN, 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 TAMILNADU REPRESENTED BY
THE PRINCIPAL SECRETARY,
DEPARTMENT OF ARCHAEOLOGY,
FORT ST. GEORGE, CHENNAI 600 009.
- 4 DEPARTMENT OF ARCHAEOLOGY REPRESENTED BY
THE COMMISSIONER,
DEPARTMENT OF ARCHAEOLOGY,
TAMIL VALARCHIVALAAGAM,
TAMIZHSALAI, EGMORE, CHENNAI 600 008.
- 5 THE SUPERINTENDING ARCHAEOLOGIST,
ARCHAEOLOGICAL SURVEY OF INDIA,
TRICHY CIRCLE, TRICHY.
- 6 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR,
THOOTHUKUDI DISTRICT.

**(*)R7 THE EPIGRAPHICAL SOCIETY OF INDIA,
REP BY ITS DIRECTOR, MYSORE, INDIA. ... RESPONDENTS
(R7 IS SUO MOTU IMPLEADED VIDE COURT ORDER
DATED 24.11.2020 IN WP(MD)No.16608/2020 BY NKKJ AND BPJ)**



Writ Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue writ of mandamus or any other writ or direction or order in the nature of writ, for pleased to depute a team of expert archeologist to visit the archeological remains in Marudur dam in the Srivaikundam Taluk, Thoothukudi District and conduct archeological excavations by using latest scientific methods and collect all the samples and artifacts from Marudur dam in the Srivaikundam Taluk, Thoothukudi District and send the said artifacts for carbon dating analysis and to publish a excavation and finding report on the excavation at Marudur dam in the Srivaikundam Taluk, Thoothukudi District within the time stipulated by this Hon'ble Court.

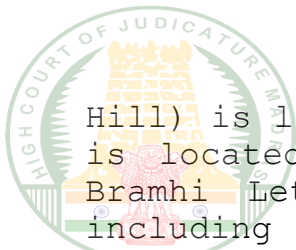
ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.ALAGUMANI, Advocate for the petitioner and of Mrs.L.VICTORIA GOWRI, Assistant Solicitor General of India taking notice on behalf of the Respondents 1, 2 and 7, and Mr.M.MUTHUGEETHAIYAN, Special Government Pleader taking notice on behalf of the Respondents 3 to 6, the Court made the following order:-

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, takes notice on behalf of the respondents 1 and 2. Mr.M.Muthugeethaiyan, learned Special Government Pleader, takes notice on behalf of the respondents 3, 4 and 6.

2. This writ petition has been filed seeking for the issuance of a Writ of Mandmaus, to direct the respondents to depute a team of expert Archeologists to visit the archeological remains in Marudur Dam in Srivaikundam Taluk, Thoothukudi District and conduct archeological excavations, by using latest scientific methods and collect all the samples and artifacts from Marudur Dam in Srivaikundam Taluk, Thoothukudi District and send the said artifacts for Carbon Dating Analysis and to publish a excavation and finding report on the excavation at Marudur Dam in Srivaikundam Taluk, Thoothukudi District, within the time stipulated by this Court.

3. India is an ancient land and it has got number of ancient sites and monuments, particularly, Tamil Nadu has got many sites and stone inscriptions. Though the Archaeological Survey of India (ASI) and the Tamil Nadu Archaeology Department are excavating in methodical manner to bring out our history. The required and appropriate publicity has not been given regarding the ancient sites and ancient monuments in the prominent places, so that, the people will know about the same and visit that places. For example, ~~opposite to the~~ Madurai Bench of this Court, Yanamalai (Elephant



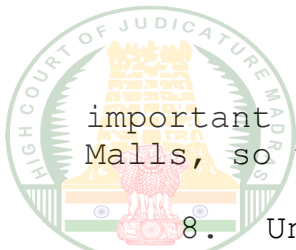
Hill) is located. In Yanamalai, not only Arulmigu Narasingam Temple is located, but, also, 2500 years old Jain Sculptures and Tamil Bramhi Letters are inscribed and nobody knows about the same, including the villagers, those who are residing in and around the Yanamalai. Therefore, name boards should be placed in the prominent place, i.e. opposite to the Madurai Bench of Madras High Court, Bus Stands, Railway Station and Air Port, pointing out the important sites located in every town or every city, so that, not only the natives, but also, the visitors, particularly, foreign tourists will have an idea about the places and visit the same. By advertising the same, it will attract more tourists and will enable the authorities to protect the sites and monuments and also prevent the unruly elements from vandalizing or destroying the sites and monuments and artefacts. By these exercises, local employment can also be generated.

4. Similarly, Saluvankuppam is a coastal hamlet in the Chengalpattu District. It is located 7 kilometres from Mahabalipuram on the Chennai-Mahabalipuram stretch. Lakhs and lakhs people are visiting Mahabalipuram, especially, weekends and it seems that nobody knows about the Saluvankuppam, where, a Murugan Temple has been recently unearthed by the Archaeological Survey of India. It is stated that the temple belongs to Sangam-Era and nearby, a Tiger Cave is also located, which forms a part of the UNESCO World Heritage Site of Mahabalipuram. Archaeologists believe that the shrine unearthed in 2005, consists of two layers, namely, a brick temple constructed during the Sangam Period (3rd Century BC to the 3rd Century AD) and a granite Pallava temple dating from the 8th century AD.

5. It is also stated by the Archaeological Survey of India that the brick temple could be the oldest of its kind to be discovered in Tamil Nadu. Many rock inscriptions under the Temple are also discovered. If protective shelter is placed, it can be persevered and proper name board is erected, definitely, it will attract more visitors and the sites would be popularized. A road should be laid to reach Saluvankuppam Murugan Temple properly from ECR Road, so that, the people thronging Mahabalipuram would also visit Saluvankuppam Ancient Site.

6. It is not only the responsibility of the Archaeological Survey of India, but, also the responsibility of the Government of Tamil Nadu. Therefore, the required actions should be taken by the Archaeological Survey of India as well as the Government of Tamil Nadu with regard to the Yanamalai (Elephant Hill) and Saluvankuppam as a pilot work.

7. Apart from the above, what are all the steps taken by the Archaeological Survey of India and the Tamil Nadu Archaeological Department to erect the boards, giving informations and history of the sites and ancient monuments in Tamil Nadu in the



important places, like, Airport, Bus Stand, Railway Station and Malls, so that, people will know about the ancient sites.

8. Union of India, rep. by the Secretary, Ministry of Tourism, New Delhi, on their own or in collaboration with the State Governments, shall do the above acts, giving brief descriptions about every site and monument with photographs.

9. For Excavation by the Tamil Nadu Archaeology Department, it is represented by Mr.Alagumani, learned Counsel for the petitioner that an application seeking permission for excavation by the Tamil Nadu Archaeology Department has been presented to the Archaeological Survey of India on 30.07.2020 and it seems that no decision has been taken so far. Therefore, the Archaeological Survey of India shall take a decision not only with regard to Korkai, but also other ancient sites regarding permission sought for by the State Government and report before this Court on **04.12.2020**.

10. It is stated that in the Archaeological Survey of India as well as the Archaeology Department, Government of Tamil Nadu and Epigraphical Society of India, Mysore, a number of posts are vacant and they have not been filled up so far and because of that, many excavation works could not be undertaken by the respective Departments. Therefore, the above said respondents shall come up with the details as to how many posts are vacant and when those posts would be filled up?

11. The Epigraphical Society of India, Rep. by its Director, Mysore, India, is *suo motu* impleaded as 7th respondent in this writ petition. Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, takes notice on behalf of the newly impleaded respondent. The Registry is directed to carry out necessary amendments in the cause title.

12. While appreciating the efforts taken by the Archaeological Survey of India to constitute Trichy Circle for Archaeological Survey of India, it is stated by Mr.R.Alagumani, learned Counsel for the petitioner that proper infrastructures have not been provided to the Trichy Circle.

13. In view of that, Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India, appearing for the respondents 1 and 2, shall submit a report as to when all the infrastructures will be provided to the Trichy Circle of Archaeological Survey of India.

14. Post the matter on **04.12.2020 at 2.15 p.m.**

sd/-

24/11/2020

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/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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MINISTRY OF CULTURE,
501, 'C' WING, SHASTRIBHAWAN, NEW DELHI 110 015.

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MYSORE, INDIA.

COPY TO: MRS.L.VICTORIA GOWRI,
ASSISTANT SOLICITOR GENERAL OF INDIA,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER
IN
WP (MD) No.16608 of 2020
Date :24/11/2020