

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

Tuesday, the Eighteenth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and
The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD) No.18402 of 2018

S.KAMARAJ @ MUTHALAKURICHI KAMARAJ ... PETITIONER

Vs

- 1 UNION OF INDIA REP BY
THE PRINCIPAL SECRETARY/THE DIRECTOR,
THE MINISTRY OF WATER RESOURCES,
RIVER DEVELOPMENT AND GANGA RAJUVENATION,
SHRAM SHAKTI BHAVAN, RAFI MARG, NEW DELHI
- 2 STATE OF TAMILNADU,
REP BY THE PRINCIPAL SECRETARY,
T.N.TOURISM & CULTURE & RELIGIOUS ENDWOMENTS DEPARTMENT,
FORT ST.GEORGE, CHENNAI 600 009.
- 3 STATE OF TAMILNADU,
REP BY THE PRINCIPAL SECRETARY,
THE HINDU RELIGIOUS & CHARITABLE ENDOWMENTS DEPARTMENT,
FORT ST. GEORGE, CHENNAI 600 009.
- 4 STATE OF TAMILNADU, REP BY
THE PRINCIPAL SECRETARY,
PUBLIC WORKS DEPARTMENT,
FORT ST.GEORGE, CHENNAI 600 009.
- 5 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, THIRUNELVELI.
- 6 THE DISTRICT COLLECTOR,
OFFICE OF THE DISTRICT COLLECTOR, THOOTHUKUDI
- 7 THE COMMISSIONER,
THIRUNELVELI CORPORATION, THIRUNELVLEI DISTRICT.
- 8 THE CHIEF ENGINEER,
PUBLIC WORKS DEPARTMENT, THAMIRABARANI DIVISON,
SAMATHANAPURAM, PALAYAMKOTTAI,
THIRUNELVELI DISTRICT.

... RESPONDENTS



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Mandamus to direct the Respondents to renovate all ancient Mandabams and Heritage Padithuraies situataing in the bank of Tamirabarani River, and to direct the Respondents to take immediate action to prevent the drainage water mixing in the entire Tamirabarani River in Tirunelveli and Thoothukudi District and to direct the respondents to make all arrangements and plan for celebrate Tamirabarani Maha Pushkara function without affect the eco system of Tamirabarani River within the time stipulated by this Honourable Court.

ORDER : This petition coming on for orders 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 MR.J.PON SENTHIL KUMARAN, Advocate for the Respondent 1, MR.K.SARAVANAN, Government Advocate for the Respondents 2 to 6 and Respondent 8, MR.AAYIRAM K.SELVA KUMAR for the Respondent 7, the court made the following order:-

[Order of the Court was made by **M.M.SUNDRESH, J.**]

This Writ Petition has been filed seeking action to protect and preserve the construction put up on the mouth of river Tamirabarani several hundred years ago. The existence of the construction is not in dispute. However, in the counter-affidavit filed by the eighth respondent, it has been stated that renovation work would require substantial amount of money.

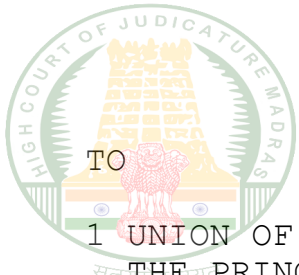
2. We are quite surprised by the stand taken by the respondents. It is the fundamental duty of the respondents to protect any historical structure.

3. In such view of the matter, we direct the fourth respondent to file an affidavit in this regard about the steps proposed to be taken and the funds that will be likely to be allotted. Such an affidavit will have to be filed, within a period of three weeks from today.

4. Post the matter after three weeks.

sd/-
18/09/2018

/ TRUE COPY /



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THIRUNELVELI DISTRICT.

ORDER
IN
WP(MD) No.18402 of 2018
Date :18/09/2018

MSI/PN/SAR-II/26.09.2018-3P/9C