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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Special Original Jurisdiction

Wednesday, the Seventeenth day of March Two Thousand AND Twenty One

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH

AND

The Hon`ble Mrs.Justice S.ANANTHI

WP(MD)No.6023 of 2021

Arulanandam.M

S/o.Muthuramalingam 3/111 Eganaathar

Gurumadam Kinnimangalam (Po)

Thirumanagalam (Tk) Madurai - 625514.

... Petitioner/Appellant/Accused

/ VERSUS /

- 1 The Union of India, represented by
The Principal Secretary,
Ministry of Culture - Union of India,
501 C-Wing, Shastri Bhawan,
New Delhi - 110 015.
- 2 Archaeological Survey of India, represented by
The Director General,
Archaeological Survey of India,
Dharohar Bhawan,
24, Tilak Marg, New Delhi - 110 001.
- 3 The Superintending Archaeologist,
Archaeological Survey of India,
Excavation Branch VI, Sankaranthi Circle,
Hebbal IInd Stage,
Mysuru - 570 017.
- 4 State of Tamil Nadu , represented by
The Principal Secretary,
Department of Archaeology,
Tamil Valarchi Valaagam,
Thamizhsalai,
Egmore, Chennai - 600 008.
- 5 The Superintending Archaeologist,
Archaeological Survey of India,
Trichy Circle, Fort Gateway (Main Guard Gate)
Theppakkulam Post, Trichy - 620002.

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6 Tamil University, represented by
The Head of Department,
Department of Epigraphy and Archeology,
Tamil University,
Thanjavur - 613 010.

7 University of Madras, represented by
The Head of Department,
Department of Ancient History and Archeology,
University of Madras,
Chennai - 600005.

8. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai. **Respondents**

(R8 is Suo motu impleaded vide Court
order dated 17.03.2021 in WP(MD)No. 6023 of 2021)

Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue Writ of Mandamus or any other writ or direction or order in nature of writ, to conduct dedicated archaeological excavation in Eganaathar Gurumadam and the open place located adjacent to the Eganaathar Gurumadam and other places in and around the outskirts of Kinnimangalam Village, Thirumanagalm Taluk, Madurai District in accordance with law within the time stipulated by this Hon'ble Court and pass such further or other orders as this Hon'ble Court deems fit and proper in the circumstances of the above case and thus render justice.

ORDER:- This Writ Petition coming on for hearing 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, Additional Solicitor General on Behalf of the Respondents 1 to 3 and of Mr.K.P.Krishnadass, Special Government Pleader on Behalf of the 4th Respondent and of Mr.K.P.Narayana Kumar, Special Government Pleader on Behalf of the Suo Motu Impleaded Party and of Mr.Ragathees Kumar for M/s Isaac Chambers, Advocate For the 6th Respondent, this Court made the following order:

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Notice to the respondents returnable by 30.03.2021. Private notice is also permitted.

2. Mrs.J.Victoria Gowri, learned Assistant Solicitor General of India takes notice for the respondents 1 to 3. Mr.K.P.Krishnakumar, learned Special Government Pleader takes notice for the fourth respondent. Mr.K.Ragatheesh Kumar, learned Counsel for M/s.Issac

Chambers takes notice for the sixth respondent.

3. The petitioner has filed this public interest litigation, which is of utmost importance. The petitioner seeks the excavation of the temple, by name, Eganaathar Gurumadam, said to have been housed by the Siddhars. The temple also constitute of Tamil Brahmin inscriptions depicted on the pillars. There are subsequent inscriptions in Tamil language.

4. The learned Counsel appearing for the petitioner submitted that the proposed excavation with respect to the language and the archeological work would have an impact of rewriting the history. For the first time, there is a script in Tamil language depicted in a pillar. Perhaps, this might give lead to the theory that construction was in existence much earlier, than it was thought, by using pillars and stones. The learned Counsel further submitted that in the said place, certain materials are also available including beads, jewels and other iron instruments. The Siddhars, who are involved, were buried in and around the temple precincts. Though there is a rampant encroachment, the vacant site nearby the temple, if excavated, would unearth inner interesting materials.

5. The sixth respondent could be the competent authority to find out the meaning and age of the language used. It appears that initially Tamil Brahmin script used three different words, namely, 'Eagan', 'Aathan' and 'Kottam', while the subsequent one combines them. Therefore, a thorough study is required. The practice of the area appears to be burying of the Siddhars in and around the temple precincts along with the materials used by them, which is being conducted even now by the descendants. The temple is also in possession of some of the materials unearthed at the time of removing the earth. It appears that the present descendants are also in possession of some of the written materials, among the others. Therefore, a detailed study is required in this regard. In fact, the temple is also a place where 64 Art forms are being taught throughout the area, under the control of different dynasties.

6. In such view of the matter, we direct the respondents 4 & 6 to have a joint inspection of the aforesaid place, assess the materials available and file a detailed report positively by 30.03.2021. The team led by the sixth respondent will be under the leadership of Dr.V.Selvakumar, Associate Professor and Head of the Department, Department of Maritime History and Marine Archaeology, Tamil University, Thanjavur, who is stated to be an expert. He can take his Students along with him for the aforesaid process. We direct that an Officer of the fourth respondent and Dr.V.Selvakumar, Associate Professor and Head of the Department, Department of Maritime History and Marine Archeology, Tamil University, Thanjavur, to be present before this Court on the next date of hearing.

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7. We make a special request to one Mr.K.T.Gandhirajan, a private Archaeologist, who made initial excavation of the place to render his assistance to the team of officials of the fourth and sixth respondents and also be present before this Court on the next date of hearing.

8. We are also of the view that it will be appropriate that if the Hindu Religious and Charitable Endowments Department, represented by its Commissioner, also will have to be made as a party, for passing appropriate orders. Accordingly, the Commissioner, Hindu Religious and Charitable Endowments Department, Chennai, is *suo-motu* impleaded as eighth respondent in this writ petition and Mr.K.P.Narayana Kumar, learned Special Government Pleader is to take notice for the newly impleaded respondent.

9. The aforesaid newly impleaded eighth respondent is also directed to depute a team of experts to make an inspection of this place and file a report before the next date of hearing. This is apart from the joint inspection report to be submitted by the fourth and sixth respondents.

10. Post the matter on **30.03.2021**, for passing further orders.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO

- 1 The Principal Secretary, Union of India,
Ministry of Culture - Union of India,
501 C-Wing, Shastri Bhawan,
New Delhi - 110 015.
- 2 The Director General, Archaeological Survey of India
Archaeological Survey of India,
Dharohar Bhawan, 24, Tilak Marg, New Delhi - 110 001.
- 3 The Superintending Archaeologist,
Archaeological Survey of India,
Excavation Branch VI, Sankaranthi Circle,
Hebbal IIInd Stage, Mysuru - 570 017.
- 4 The Principal Secretary, State of Tamil Nadu,
Department of Archaeology,
Tamil Valarchi Valaagam,
Thamizhsalai, Egmore, Chennai - 600 008.

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- 5 The Superintending Archaeologist,
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Tamil University, Thanjavur - 613 010.
- 7 The Head of Department, University of Madras,
Department of Ancient History and Archeology,
University of Madras, Chennai - 600005.
8. The Commissioner,
Hindu Religious and Charitable Endowments Department,
Chennai.
9. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

Copy to:

1. The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.
2. DR.V.SELVAKUMAR,
Associate Professor and Head of the Department,
Department of Maritime History and Marine Archaeology,
Tamil University, Thanjavur,
Cell No. 94421 12601
3. MR.K.T.GANDHIRAJAN,
Resource Person, Tamil Virtual Academy,
Kottur, Chennai - 25. Cell No. 98401 66590

+1 CC to Mr.R.ALAGUMANI, Advocate SR.No.2181

ORDER DATED : 17/03/2021

HEARING DATE : 30/03/2021

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ORDER

WP(MD)No.6023 of 2021

Giving direction and
etc. as stated within.

PK(CO)
TR(17.03.2021) 5P 14C

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