

(Supreme Court Of India)

Commissioner, Tiruvannamalai Municipality

v.

Arunachala Giri Pradakshna Samithi & Others

C. A. Nos. 6126-6130 of 2005 with C. A. Nos. 6091-6095 of 2005 | 03-10-2005

1. Heard the learned Counsel for the parties.

2. Leave granted.

3. Writ petitions were filed in the High Court seeking various directions in respect of Arulmighu Arunachaleswarar Temple and directing the respondents from in any manner permitting any construction activity in the circuit path of about thirteen kilometres or in and around the Holy Hill of Thiruvannamalai and in particular prohibiting any construction [exceeding the height of five metres] of whatever nature, permanent, semi-permanent or temporary. Further, directions sought were for removal of encroachments, including hutment, which had been put up in or around the Annamalai hill and along the Giripradakshina path from Annamalaiswamy Ashram to Pachiamman Temple in a clockwise direction in the land lying between the Hill and Giripradakshina path. Various other directions were sought so as to ensure the proper unkeep of the path.

4. The High Court, by the impugned judgment, appointed a Special Coordination Committee for a period of two years and issued various directions. Besides the Special Coordination Committee comprising of twenty three members of which Justice. T.S. Arunachalam was the Chairperson, local area committee comprising of various members was also constituted. On the special leave petitions filed by the Commissioner of Thiruvannamalai Municipality, the judgment and order of the High Court was directed to be stayed by this Court in terms of the orders passed on 6th August, 2001. Thereafter various orders have been passed and directions issued to Archaeological Survey of India as also to the Ministry of Tourism, Government of India. In July, 2005, a detailed

affidavit was filed by the Commissioner of Thiruvannamalai Municipality placing on record various steps being taken, including certain short-term measures and developing works within the Town. On perusal of the affidavit, this Court, by order dated 12th July, 2005, expressed tentative view that the special leave petitions can be disposed of by accepting the suggestions as contained in the affidavit and directing that the work of development and management, including the removal of encroachments, etc., shall be undertaken, as suggested, and in consultation with Mr. Justice T.S. Arunachalam. The respondent-original writ petitioner before the High Court and all the parties submit that would be appropriate if the development works are undertaken as suggested in the affidavit and the direction of the High Court constituting the committee is substituted by directing the works to be undertaken as per the affidavit of July, 2005, in consultation with Mr. Justice T.S. Arunachalam or any other retired Judge. We may note that the Government of India had filed an affidavit stating that it may be permitted to withdraw the preliminary notification dated 20th September, 2002, declaring the Temple as a National Monument. The withdrawal notification has already been issued which fact is placed on record.

5. Mr. T.L.V. Iyer, learned Senior Counsel, states that he has received a communication from Mr. Justice T.S. Arunachalam, who has expressed personal difficulties for which reason it may not be possible for him to be a part of the consultation process. Such a letter has been received by this Court as well.

6. We accept the suggestions contained in the affidavit of Commissioner of Thiruvannamalai Municipality and set aside the impugned judgment constituting the Committees and issuing various directions. We direct that all necessary measures, as stated in the affidavit, shall be undertaken by the Municipality and other concerned authorities/committees in consultation with Mr. Justice K. Venkataswami, former Judge of this Court.

7. The civil appeals are disposed of in the above terms.

8. No costs.

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