

W.P.(MD)No.22010 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 22.09.2022

PRONOUNCED ON : 26.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.22010 of 2022

Kaladi

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi, Thoothkudi District.
- 2.The Revenue Divisional Officer,
Thoothukudi, Thoothukudi District.
- 3.The Tahsildar,
Vilathikulam Taluk Office,
Thoothukudi District.
- 4.The Superintendent of Police,
Thoothukudi, Thoothukudi District.
- 5.The Deputy Superintendent of Police,
D.S.P. Office, Vilathikulam Sub Division,
Vilathikulam, Thoothukudi District.
- 6.The Inspector of Police,
Soorangudi Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the Respondents to consider the Petitioner's representation, dated 23.08.2022, in the light of the recommendation made by the third Respondent for installing statues of Dr.Ambedkar and Thanthai Periyar at the Petitioner's property situated at



W.P.(MD)No.22010 of 2022

Survey No.446/14, Melamandhai Village, Vilathikulam Taluk, Thoothukudi District within a stipulated time that may be fixed by this Court.

For Petitioner :Mr.R.Karunanidhi
For R1 to R3 :Mrs.K.Christy Theboral
Additional Government Pleader
For R4 to R6 :Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus to direct the Respondents to consider the Petitioner's representation, dated 23.08.2022, in the light of the recommendation made by the third Respondent for installing statues of Dr.Ambedkar and Thanthai Periyar at the Petitioner's property situated at Survey No. 446/14, Melamandhai Village, Vilathikulam Taluk, Thoothukudi District within a stipulated time that may be fixed by this Court.

2.Heard Mr.R.Karunanidhi, learned Counsel for the Petitioner, Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the Respondents 1 to 3 and Mr.B.Nambu Selvan, learned Additional Public Prosecutor appearing for the Respondents 4 to 6.



W.P.(MD)No.22010 of 2022

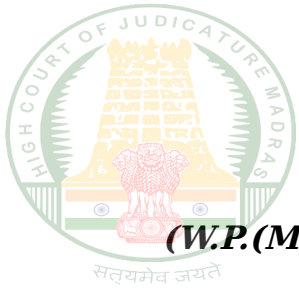
3.The learned Additional Government Pleader submitted that the Tahsildar concerned had already filed a report to the District Collector. She further submitted that the Petitioner herein is the owner of the land and all the revenue records are in his name and that there cannot be any objection to put up statues of Thanthai Periyar and Dr.Ambedkar in his patta land. There is no rival claim or objection from anyone, as per the Tahsildar's report.

4.Further, the learned Additional Government Pleader as well as the learned Additional Public Prosecutor placed reliance on the guidelines issued by the Commissionerate of Revenue Administration and Disaster Management, in Letter No.RA VII (1)/1946/2019, dated 26.03.2019, wherein, guidelines have been issued for installation of statues. The report of the Tahsildar is in the light of the above letter. The Tahsildar had verified the *bona fide* of the Petitioner with regard to the claim of the ownership of the land.

5.The learned Counsel for the Petitioner placed reliance on the following order passed by this Court:

(a)P.Maniyarasan vs The Government of Tamil Nadu and others (W.P.(MD)No.7265 of 2010), dated 23.11.2010;

(b)C.Ponnusamy vs The District Collector and otehers



W.P.(MD)No.22010 of 2022

(W.P.(MD)No.2782 of 2013), dated 02.07.2014; and

WEB COPY (c)Periyambai Narasimha Gopalan vs The Chief Secretary to Government and others (W.P.(MD)No.7240 of 2019), dated 27.09.2019)

6.Also, this Court had perused the following order of this Court:

(a)The District Collector and others vs N.E.Rajasudhan (W.A.(MD)No.547 of 2016), dated 25.04.2016; and

(b)M.Veeraraghavan vs Home Secretary, Government of Tamil Nadu and others (2021 SCC Online Mad 5471)

7.As far as Tamil Nadu is concerned, there cannot be any objection from anyone for erecting the statues of Thanthai Periyar or Dr.Ambedkar. The people individually have respects for these leaders. In the light of the Rulings cited above, the prayer of the Petitioner is found acceptable. Hence, in the light of the Rulings cited above, this Petition is allowed, since there is no objection from anyone. The District Collector may pass appropriate orders based on the representation of the Petitioner on merits and in accordance with law within a period of two weeks from the date of this order. No costs.

26.09.2022

Index : Yes / No



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VERDICTUM.IN



W.P.(MD)No.22010 of 2022

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cmr

Order

W.P.(MD)No.22010 of 2022

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