

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.22201 of 2015

and

M.P.No.1 of 2015

Malarvizhi Tamilamuthan

... Petitioner

-Vs-

1. The Inspector of Police,
Guduvanchery Police Station,
Guduvanchery,
Chengalpattu Taluk,
Kancheepuram District.
2. The Block Development Officer,
Padapai, Sriperumbudur Taluk,
Kancheepuram District.
3. The Village Administrative Officer,
Aadhanur Village,
Madambakkam Post,
Sriperumbudur Taluk,
Kancheepuram District.
4. The President,
Aadhanur Village Panchayat,
Aadhanur Village,
Madambakkam Post,
Sriperumbudur Taluk,
Kancheepuram District.

5. Mr.N.Gopal Raj alias Sasikumar

6. Mr.M.S.Anbazhagan

7. Mr.Elango

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 herein to permit the petitioner herein for

plantation of 2000 saplings by putting up round wire mesh fencing with one sticker containing the slogan of the Forest Department "Maram Valarppom-Mazhai Peruvom" and with another sticker containing her party leaders pictures along with his name, in the public vacant places within villages coming under Aadhanur and Karisangal Village Panchayats, in Sriperumbudur Taluk, Kancheepuram District by considering the petitioner's representation dated 15.07.2015.

For Petitioner : Mr.A.Ramalingam

For Respondents : Mr.R.A.S.Senthilvel
Additional Govt. Pleader for R1 to R4

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner claims that she was elected as a Panchayat Union Councillor of Kundrathur Panchayat Union and he belongs to a particular political party and she has been discharging duties as Panchayat Union Councillor in that area to the satisfaction of Panchayat Union administration and general public attached to her ward. It is also claimed that she is also doing social welfare activities to the people of the locality and would further state that in order to commemorate, facilitate and celebrate the birthday anniversary of her party leader, she organized a function for the plantation of 2000 saplings out of her own funds by putting up stickers on one side with the slogan of the forest department, namely "Maram Valarppom- Mazhai Peruvom" and on the other side a small sticker with her party leaders pictures along with her name on the wire mesh round fencing put up around the saplings for its safety. The petitioner also submitted a representation dated 10.07.2015 seeking permission for adequate protection while conducting the said function and to her shock and surprise, she came to know that the first respondent has registered an F.I.R. against her In Crime No.674/2015 dated 15.07.2015 for offence under the provisions of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 on the instigation of the respondents 4 to 7, who are the members of the rival political party. The petitioner, in this regard, has also submitted a detailed representation dated 15.07.2015 praying for appropriate direction for carrying out that noble activity and since no response is forthcoming, came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that simply because the petitioner belongs to the main opposition party, the first respondent, acting on the behest of the respondents

4 to 7, is not giving any sufficient protection and curiously has invoked the provisions of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959 which hardly puts into implementation and prays for appropriate orders.

4. Mr.R.A.S.Senthilvel, learned Additional Government Pleader appearing for the respondents 1 to 4 strongly opposes this writ petition by contending that though the petitioner claims that she is carrying on the noble object of planting saplings, she is doing so for her self publicity and taking into consideration of the said aspect, appropriate orders may be passed.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. A perusal of the affidavit filed in support of this writ petition would disclose that the petitioner is an elected local body member and she wanted to plant saplings to make the area green and it is her claim that she spent out of her own funds in order to commemorate and celebrate the birth anniversary of her party leader and she wants to put up stickers of the party leader along with her name on the wire mesh fencing, but curiously the first respondent has registered a case in Crime No.674/2015 on 15.07.2015 by invoking the provisions of Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959. As rightly contended by the learned counsel appearing for the petitioner, the said Act is hardly put to use and one can see even in the city of Chennai, throughout the walls, very many wall writings are there and admittedly, no action whatsoever has been taken by the concerned police authorities.

7. This Court, taking into consideration the above said facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 15.07.2015 and pass orders in accordance with law within a period of one week from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jvm

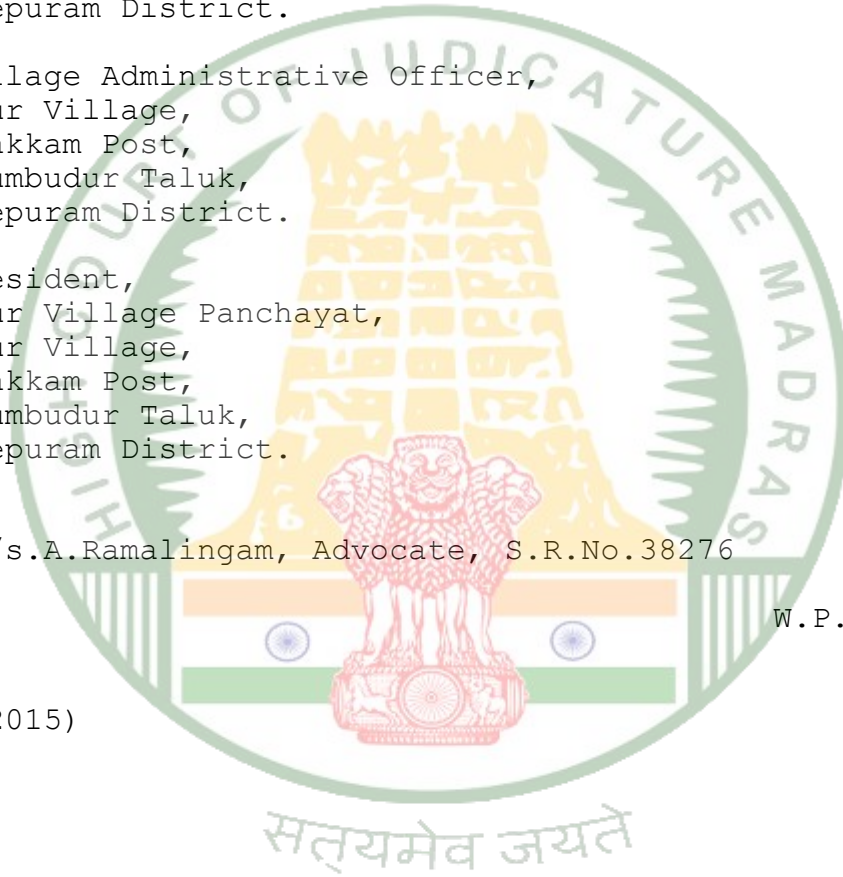
To

1. The Inspector of Police,
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Madambakkam Post,
Sriperumbudur Taluk,
Kancheepuram District.

+1cc to M/s.A.Ramalingam, Advocate, S.R.No.38276

W.P.No.22201 of 2015

CA(CO)
CA(07/08/2015)



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