

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**Writ Petition No.21069 of 2015**

**Dated 01<sup>st</sup> February, 2016**

**Between:**

Nelakudithi Venkatapathi Rao and another

**...Petitioners**

**And**

State of Andhra Pradesh, rep.by its Principal Secretary, Panchayat Raj  
Department, Secretariat Buildings, Hyderabad-22 and others

**...Respondents**

**Counsel for the petitioners: Ms.Grancy Jose  
for Sri K.S.Murthy**

**Counsel for respondent Nos.1 & 3: AGP for Panchayat Raj (AP)  
Counsel for respondent Nos.2 & 5: AGP for Revenue (AP)  
Counsel for respondent No.4: Sri Ravi Cheemalapati  
Counsel for respondent No.6: AGP for Home (AP)  
Counsel for respondent No.7: Sri P.Durga Prasad**

**The Court made the following:**

**ORDER:**

This writ petition is filed for a mandamus to declare the inaction of respondent Nos.2 to 6 in stopping erection of statue occupying road margin adjacent to the wall of the Primary Aided Co-operative Society, Dondapadu Village, Thullur Mandal, Guntur District without approval from the Statue Committee, in violation of the interim orders of the Supreme Court and also G.O.Ms.No.18, dated 18.02.2013, as illegal and arbitrary.

The petitioners pleaded that they are the residents of Dondapadu Village, Guntur District and that both of them are farmers. That Dondapadu Village is predominantly agriculture based one and that

roads get blocked when tractors and bullock carts pass through them, that there was a proposal to widen the roads to accommodate the growing traffic and the buses plying to the Village, that lorries are frequenting the Village and when the capital region works progress, there will be increased traffic and that any reduction of road width or occupation of road margin and carriage way will make life miserable in the Village and that the petitioners are therefore affected parties by the proposed erection of statue by respondent No.7.

The petitioners further averred that respondent No.7, Sarpanch of the Village, along with his supporters, has raised foundation on which the statue is proposed to be installed, that on 29.06.2015, respondent No.7 and his followers tried to bring the statue and put it on the basement podium and that on the intervention of the police at the instance of some of the elders of the Village, erection is stopped. The petitioners also averred that erection of statue is in contravention of the orders passed by the Supreme Court and also G.O.Ms.No.18, dated 18.02.2013, which was issued in order to give effect to the orders of this Court.

Opposing the writ petition, separate counter affidavits have been filed by the District Panchayat Officer, Panchayat Secretary of respondent No.4 and also by respondent No.7. In all these counter affidavits, the plea of the petitioners that the site on which the statue is proposed to be erected forms part of either road or road margin and by erection of the statue, there will be obstruction of traffic is denied.

In his counter affidavit, the Panchayat Secretary of respondent No.4 has denied that there was proposal to widen the road to accommodate the growing traffic. He has also pleaded that the erection of proposed statue is at a place beyond five feet from the road margin, that too, in the panchayat land and that therefore, the plea of the petitioners that the proposed statue will result in reduction of road width or occupation of road margin and carriage way is wholly untenable. It is further averred that the Gram Panchayat has

conducted Grama Sabha and passed a resolution on 25.11.2013 and pursuant to the same, the Gram Panchayat passed a resolution on 30.12.2013, resolving to erect the statue of late Sri Kommineni Appa Rao, who was the former Sarpanch, Co-operative Society President and Chairman, Market Committee, Tatikonda and died while he was the Chairman of the said Market Committee.

With reference to the directions issued by the Supreme Court and G.O.Ms.No.18, 18.02.2013, it is averred that the same have no application to the present case as the statue is not proposed to be erected on the road or road margin or pavement. It is further stated that except the petitioners, there are no complaints from other Villagers and that in the same Village, statue of another person, Sri Nelakuduti Nageswar Rao, who was a Communist Leader, was erected on 17.06.2015 and as the said leader is a relative of the petitioners, they have not raised any objection for such erection.

In his counter affidavit, respondent No.7 has given the life history, achievements of and services rendered by late Sri Kommineni Appa Rao to the Society during his lifetime and referred to the resolutions of the Grama Sabha unanimously resolving to erect his statue. He has also averred that as the site on which the statue is sought to be erected is five feet away from the road margin, it will not cause any inconvenience to the public and that the writ petition is highly motivated.

Erection of statues has become a subject of wide criticism for quite some time. The Apex Court, in S.L.P. (C) No.8519 of 2006, by order dt.18.1.2013, while dealing with indiscriminate erection of statues in public places, *inter alia*, passed the following order.

*"...We further direct that henceforth, State Government shall not grant any permission for installation of any statue or construction of any structure in public roads, pavements, sideways and other public utility places. Obviously, this order shall not apply to installation of high mast lights, street lights or construction relating to electrification, traffic toll or for development and beautification of the streets, highways, roads etc., and relating to public utility and facilities.*

*The above order shall also apply to all other States and Union*

*Territories. The concerned Chief Secretary/Administrator shall ensure compliance of the above order."*

In order to effectuate the said order, the Government of Andhra Pradesh has issued G.O. Ms. No.18, dt.18.2.2013, wherein it has imposed total ban on granting permission for installation of any statue or construction of any structure on public roads, pavements, sideways and other public utility places.

The short issue that needs to be decided in this writ petition is whether the place in which the statue proposed to be erected would fall in any of the above mentioned places referred in G.O. Ms. No.18, dt.18.2.2013. In order to show whether the proposed place is part of a road or road margin or sideways etc., the petitioners have not filed any material whatsoever much less any photograph. Along with the counter affidavit of the Panchayat Secretary of respondent No.4, a blown-up photograph is filed which clearly shows that the pillar on which the statue is proposed to be erected is raised to a height of about two-and-a-half feet and demonstrably it is situated at least five feet from the road margin. It is also noticed from this photograph that already two statues are erected near the disputed place, one of which is of Mahatma Gandhi. As the saying goes 'A picture speaks thousand words', the photo filed by respondent No.4 clearly proves the falsity of the petitioners' case that the site on which the statue is proposed to be erected will lead to traffic congestion. Indeed, the compound wall of the adjacent Primary Agricultural Cooperative Credit Society is projected at least five feet beyond the proposed site and if this compound wall is not obstructing the traffic, there could be no reason for the petitioners to object for erection of the statue five feet beyond the edge of the compound wall of the said society. It could also be noticed from the above photograph that the space required for erection of the statue is as little as the width of a single pillar. The pillar partly erected is of a dimension of about 2 x 2 feet. Therefore, it cannot be said that such a small area could be utilized for any public purpose.

Respondent No.4 has categorically denied in the counter affidavit that there is any proposal for widening of the road. If widening of the road is found necessary in public interest, it is always possible for re-locating the statue, along with the other statues, including that of Mahatma Gandhi. As rightly pleaded by the respondents, since the site on which the statue is proposed to be erected does not form part of either road or road margin or any sideway, neither the interim order of the Supreme Court, nor G.O. Ms. No.18 dt.18.2.2013, issued in pursuance thereof, is attracted. From these undeniable facts, this Court is of the opinion that the petitioners have filed this writ petition for extraneous reasons and the proposed erection of the statue does not affect either public interest or individual interest warranting interference by this Court.

For the above mentioned reasons, I do not find any merit in this writ petition and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, interim order dt.10.07.2015 shall stand vacated and W.P.M.P. No.27130 of 2015, and W.V.M.P. No.3204, 3310 and 3342 of 2015 shall stand disposed of as infructuous.

**C.V.NAGARJUNA REDDY, J**

01<sup>st</sup> February, 2016  
VGB/BNR