

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2017

Coram

The Honourable Mr.HULUVADI G.RAMESH,
ACTING CHIEF JUSTICE
and
The Honourable Mr.Justice M.SUNDAR

W.P.NO.5668 OF 2017
W.M.P. NO.6070 OF 2017

S.Satyarasan

..Petitioner

versus

1. State represented by its
Secretary for Home, Govt.of Tamil Nadu,
St.George Fort,
Chennai-600 009.
2. The District Collector,
Nagapattinam District.
3. The Superintendent of Police,
Nagapattinam District.
4. The Revenue Divisional Officer,
Nagapattinam District.
5. The Tashildar,
Vedharanyam taluk,
Nagapattinam District.
6. The Deputy Superintendent of Police,
Vedharanyam,
Nagapattinam District.
7. The Municipal Commissioner,
Vedharanyam,
Nagapattinam District.
8. The Executive Officer,
Arulmigu, Vedharaneshwar Temple,
Nagapattinam District.
9. The Assistant Divisional Engineer,
Highways Department,
Nagapattinam District.

10. The Inspector of Police,
Vedharanyam,
Nagapattinam District.

..Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to forbear the respondents from removing the "Dr.Baba Sahib Ambedkar" Statue which erected near Vedharanyam bus stand at Vedharanyam Highways since 1994.

For Petitioner : Mr. R.Sankarasubbu
for Mr.D.Parvendan &
Ms.S.Deepika

For Respondents : Mr.R.Muthukumarasami,
Advocate General, assisted by
Mr.R.Vijayakumar, Addl.G.P.
For R1 to R7, R9 & R10
Mr.K. Venkatramani (AAG-7)
Assistant by Mr. T.N. Rajagopalan
Special Government Pleader for R8

ORDER

Acting Pro-bono publico, the petitioner has filed the present Writ Petition, seeking for the issuance of a Writ of Mandamus, to forbear the respondents herein from removing the "Dr.Baba Sahib Ambedkar" Statue which erected near Vedharanyam bus stand at Vedharanyam Highways.

2. According to the petitioner, the statue of Dr.Baba Sahim Ambedkar has been erected in the year 1994 near Vedharanyam bus stand on Vedharanyam Highways having obtained necessary permission from the concerned authorities. It is the case of the petitioner that the 8th respondent herein, proposed to conduct a 'Temple Car Festival' of Arulmigu Vedharanyeshwarar Temple on 9.3.2017 and a representation was made by the 8th respondent to the authorities, requesting for removal of the Statue from its existing place to the rear side of the bus stand on the pretext that the Chariot (Temple car) cannot circumvent the street/road during the Chariot Process to be taken place on 09.03.2017. It is further case of the petitioner that there is absolutely no hindrance for taking out the Chariot of the temple as sufficient space is available on the way nearby the Statute from where the procession is going to take place. However, apprehending the removal by the authorities, the petitioner has rushed to this Court, seeking the relief as stated supra.

3. Mr.R.Sankarasubbu, learned counsel appearing for the petitioner would vehemently contend that in order to accommodate the movement of the Temple Chariot during the procession, the authorities have decided to remove the Statute of Dr.Baba Sahib

Ambedkar itself which has been erected since 1994, which would affect the sentiments of Dalits, who have great honour towards the great Leader Dr. Ambedkar and it would also create law and order problem. He would contend further that there absolutely no necessity for removing the statute as there is sufficient space available on the road where the Statute was erected in a corner of the road, to have free movement of the Temple Chariot, which was also found by conducting the trial. He would further contend that if the Statute is removed, it is nothing but showing untouchability towards the Dalits and giving disregard to their religion and community and it would affect the sentiments of Dalits who had great respect towards their leader. Therefore, the learned counsel strongly objected for removal of the Statute.

4. On the other hand, Mr. Mutukumarasamy, learned Advocate General would submit that in fact, the land where the road was laid and where the Statue was erected, was belonging to the Vedharanyam Temple which possessed thousands of acres and it had gifted to the Government for development. He would contend that though the Government sanctioned permission for erection of the Statue of Dr. Ambedkar, but it was not erected on the place which was earmarked and granted permission and there was deviation in installing the Statue, which is causing hindrance to the traffic and the public at large and it is not possible to take procession of the Temple Chariot after its decoration through the way where the Statue is erected and further, as a matter of customary practice, the devotees and the public more one lakh will gather during the procession and the miscreants will take law into their hands and there would be every possibility of causing damage to the Statue. In such circumstances, in order to have the procession in a peaceful manner without any hindrance, he would suggest that the statue may be shifted to some other place to safeguard the interest of one and all as well as the statue. He would further contend that no permission shall be granted for installation of any statue or construction of any structure in public roads, pavements, sidewalks and other public utility places. In support of his contention, the learned Advocate General relied upon the order of the Hon'ble Supreme Court in SLP (Civil) Nos. 8519 of 2006 dated 02.05.2006, wherein, the Hon'ble Supreme Court directed the State Governments, not to grant any permission for installation of any statue or construction of any structure in public roads, pavements, sidewalks and other public utility places.

5. Heard the learned counsel appearing for the petitioner and the learned Advocate General.

6. It is very unfortunate to note that the learned counsel has diverted the issue and argued the matter by playing the card of untouchability and disrespect towards Dalits' community, which is not the issue before us and caused much embarrassment to this Court. In fact, it is not only the petitioner, every

one including us, have esteem regard and respect towards Dr.Baba Sahib Ambedkar, who is a National Leader and one of the Architects of the Indian Constitution and towards his contribution to citizens of India irrespective of their caste, religion, and community. We are concern with only continuing the Statue in the same place or shifting the same to other place, since according to the respondents, the Statue has been erected in a place which was not permitted and there was deviation in erection of the Statue which would cause hindrance to the traffic as well as the public at large and during the procession, it is not possible to circumvent the Temple Chariot after its decoration at the place where the statue is situated. On the other hand, the learned counsel for the petitioner contended that absolutely, there is no hindrance to take the Temple chariot through the way as the temple authorities had already conducted a trial and found the same feasible.

7. In the above circumstances and having regard to the decision of the Hon'ble Supreme Court that no permission should be accorded for installation of any statue or construction of any structure temple etc in public roads, pavements, sideways and other public utility places, we feel it appropriate to direct the Government to conduct a peace committee meeting by today itself and arrive at a conclusion on the issue based on the majority view after affording the opportunity to all the concerned including the petitioner and take a decision in accordance with law. We make it clear that the interest of the Statue should be safeguarded. However, if the Statute is erected in the place deviating the permission granted and if it is contrary to the observation made by the Hon'ble Supreme Court in SLP (Civil) Nos.8519 of 2006 dated 02.05.2006, it is for the official respondents to take the appropriate decision in accordance with law. The concerned District Magistrate shall take steps to safeguard the interest of the Statue and pass appropriate orders as per the majority decision of the peace committee meeting.

With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1. State represented by its
Secretary for Home, Govt.of Tamil Nadu,
St.George Fort,
Chennai-600 009.

2. The District Collector,
Nagapattinam District.
3. The Superintendent of Police,
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Nagapattinam District.

Copy to:

The District Magistrate,
Nagapattinam District.

The Government Pleader, High Court, Madras- 104

+1cc to Mr.D. Parventhan, Advocate SR. 14950

W.P.No.5668 of 2017

KNK (CO)
VR(08/03/2017