



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.14721 of 2017

R.Mahesh : Petitioner

Vs.

1.The District Collector,
Kanyakumari District.

2.The Superintendent of Police,
Nagercoil, Kanyakumari District.

3.The Divisional Engineer,
State Highways, Nagercoil,
Kanyakumari District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the sand portrait near MGR Statue and the temporary shed in Vadasery Main Road comes under the State Highways and to take appropriate action vide the petitioner's representation dated 16.06.2017 within the time frame fixed by this Court.

For Petitioner : Mr.D.Saravanan
For Ms.T.Sathya Selvi
For Respondents : Mr.B.Pugalendhi
Additional Advocate General
Assisted by
Mr.T.S.Mohamed Mohideen
Additional Government Pleader

For Proposed impleaded Party
in WMP.SR.No.57833/2017
dated : 01/09/2017 : Mr.G.Anto Prince

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition to direct the respondents to remove the sand sculpture near MGR Statue in Vadasery Main Road, which is maintained by the State Highways.

2. The learned Additional Advocate General submitted that the petitioner is the Town Secretary of a Political Party and there are two other Statues adjacent to the sand sculpture in question, which is maintained by the petitioner.

3. Though the petitioner in his affidavit filed in support of the Writ Petition indicated that the sand sculpture was erected by Thiru.Vijayakumar, District Secretary of a Political Party, the fact remains that he was not impleaded as a party. The petitioner in a matter of this nature must implead those who are responsible for erecting sculpture on the side of the road.

4. The petitioner, for reasons best known, failed to implead the person against whom allegation is made in the Writ Petition. We, therefore, do not find any reason to issue a Writ at the instance of the petitioner. However, we make it clear that this order would not stand in the way of the respondents from taking appropriate action for removal of the sand sculpture on the side of the State Highways.

5. The Writ Petition is dismissed with the above observation. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Kanyakumari District.

2.The Superintendent of Police, Nagercoil, Kanyakumari District.

3.The Divisional Engineer,

State Highways, Nagercoil, Kanyakumari District.

+One cc to The Special Government Pleader, SR.No.76616

+One cc to Mr.J.Pandidurai, Advocate, SR.No.76407

+One cc to Mr.T.Sathya Selvi, Advocate, SR.No.75902

NB/SML

RL/7C/2P/MR/KKR/SAR1/12/10/2017

ORDER MADE IN