



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8409 of 2018

in

W.M.P.No.7953 of 2018

Sonai Meenal Arts and Science College,
Rep by its Correspondent,
B.Renganathan,
S/o.So.Balakrishnan
Vennirvoikkal Post,
Muthukulathur Taluk,
Ramanathapuram District

... Petitioner

vs.

1. The District Collector,
O/o.The District Collectorate,
Ramanathapuram District,
Ramanathapuram.

2. The Block Development Officer,
Muthukulathur,
Ramanathapuram District.

3. The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.1 to grant permission to unveil the statue of petitioner's college founder as well as the former leader of Opposition Party in Tamil Nadu Legislative Assembly namely So.BalaKrishnan, in the petitioner's Patta land in Survey No.2/1B situated at Keelamuthukulathur Revenue Group,Vilankulathur Panchayat, Muthukulathur Taluk, Ramanathapuram District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader.

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The grievance of the petitioner is that he had also given a representation dated 02.03.2018 in this regard, which has not



been considered till date and hence he has filed the present Writ Petition.

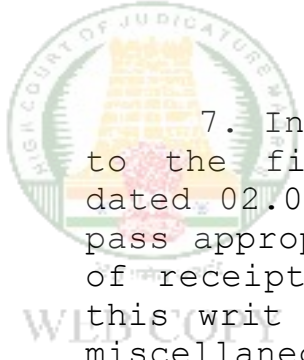
3. The place where the petitioner intends to unveil the statue of the college founder is a patta land belonging to the petitioner herein in Survey No. 2/1B situated at Keelamuthukulathur Revenue group, Vilankulathur Panchayat. Muthukulathur Taluk, Ramanathapuram District.

4 . The grievance of the petitioner is that the respondents are insisting for their approval before the statue is unveiled, in view of the G.O.(Ms)No.248 Rural Development(C2) Department dated 23.11.1995 and G.O.(Ms)No.186, Municipal Administration(M) Water Distribution (n.Ni.5) Department dated 21.09.1998.

5. A Division Bench of this Court had an occasion to deal with the scope of the aforesaid G.Os. The relevant portion of the order of the Division Bench of this Court in Vijayan -vs- The District Collector in W.A(MD)Nos.1079 of 2016 and 1402 of 2016 reads as follows:

"19. Having steered clear of the legal position, we have now to test the correctness of the submissions made by the official respondents. The sheet anchor of the respondents is pitched upon the two Government Orders in G.O.(Ms)No.248 Rural Development (C2) Department dated 23.11.1995 and G.O.(Ms) No.186, Municipal Administration(M) Water Distribution (n.Ni.5) Department dated 21.09.1998. The validity, efficacy and enforceability of these Government orders were decided by this Court in the case of P. Maniyarasan and N.E.Rajasudhan(Supra). One of which is a Judgment of the Division Bench, wherein it has been categorically held that the official respondents have no right to impose restrictions on the erection of statue in private properties. We are in entire agreement with the view expressed in the case of P.Maniyarasan and N.E.Rajasudhan(Supra). Therefore, the arguments advanced by the learned Special Government Pleader based on the above two Government Orders does not merit consideration".

6. In view of the aforesaid observations of the Hon'ble Division Bench of this Court, the respondent may not be justified in raising such objection by quoting the aforesaid G.O.



7. In view of the above observation, there shall be direction to the first respondent herein to consider the representation dated 02.03.2018, in the light of the observation made above and pass appropriate order within a period of four weeks from the date of receipt of a copy of this order. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
O/o.The District Collectorate,
Ramanathapuram District,
Ramanathapuram.
2. The Block Development Officer,
Muthukulathur,
Ramanathapuram District.
3. The Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.

+3cc to Mr.T.Lajapathi Roy, Advocate Sr.No.62132
+1cc to Spl.Government Pleader Sr.No.62180

AAV

VB/JC/SAR4/26.04.2018/3P/8C

W.P. (MD) No.8409 of 2018
in
W.M.P.No.7953 of 2018
18.04.2018