

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4/7/2019

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.12801 of 2019

K. Krishnamoorthy ... Petitioner

Vs

1. State of Tamil Nadu
rep. By the Secretary to the Government
Municipal Administrative Department
Fort St. George
Chennai.
2. The Director
Directorate of Municipality
Chepauk
Chennai
3. The Commissioner
Municipal Corporation
Vellore District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of certiorarified mandamus to call for the records of the first respondent's letter, vide letter No.804/MA.NA6/2018-2 dated 10/10/2018, quash the same and consequently, direct the respondents to change the name of Thoti lane known as Scavengers Colony, Kaspas, Vellore as Dr.Ambedkar Nagar, Kaspas, Vellore.

For Petitioner ... Mr.K.Abraham

For Respondents... Mr.E.Manoharan
Additional Government Pleader
for R.R.1 and 2.

Ms.P.Shanthi
for R.3.

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O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

Instant writ petition has been filed, to quash the order of the first respondent's letter, No.804/MA.NA6/2018-2, dated 10/10/2018, and consequently, direct the respondents, to change the name of Thoti lane known as Scavengers Colony, Kaspas, Vellore as Dr.Ambedkar Nagar, Kaspas, Vellore.

2. On 3/6/2019, we passed the following order:-

Reasons assigned in the letter dated 10.10.2018 rejecting the request to change the name of Thoti Lane known as Scavengers Colony Kaspas Vellore as Dr.Ambedkar Nagar Kaspas Vellore, by Secretary to the Government, Municipal Administration Water Supply (M.C.6) Department, Secretariat, Chennai, is based on G.O.P.No.372 of Municipal Administration and Water Supply Department dated 30.7.1997, wherein instructions have been given that change the names of the streets, buildings and bus stands, which according to the Secretary to the Government, Municipal Administration Water Supply (M.C.6) Department, Chennai, causes problem.

2. Based on the averments made in the supporting affidavit, Mr.I.Abraham, learned counsel for the petitioner submitted that government have changed the name of "Long Bazar in Vellore Corporation", as Kirubanda Variyar Salai, and Officer's line, as Anna Salai. However, no materials have been placed.

3. Mr.S.Silambannan, learned Senior Counsel appearing for Ms.P.Shanthi, standing counsel for the Commissioner, Municipal Corporation, Vellore District/the 3rd respondent, and Mr.E.Manoharan, learned Additional Government Pleader, are directed to ascertain the above facts.

4. When there are Nagars with the names as Periyar Nagar, Kamarajar Nagar, Dr.Kalaighnar Karunanithi Nagar and J.Jayalalitha Nagar and names with other names, we unable to deduce the reason as to why change of a street which reflects the activity by those involved to be changed in the name of the head of the framers of the Constitution of India.

5. Mr.Silambannan, learned Senior Counsel submitted that to change the name of Scavenger Colony, Ward No.55, in Vellore Corporation, as Dr.B.R.Ambedkar Nagar, a resolution was passed by Vellore Corporation, after ascertaining that the area is in-habitated by those people

belonging to depressed class. Therefore, they sought for change of name, and Vellore Corporation has also passed resolution to that effect. Issue as to whether the petitioner has any right and has a legitimate expectation to name a place, in any specific name is one aspect to be considered vis-a-vis the reasons assigned in rejecting the proposal of Vellore Corporation.

6. When the Government have named certain places, in the names of political leaders in the State. Judicial notice can be taken that recently, Central Railway Station, Chennai, has been renamed as MGR Central Railway Station. Though it is the decision of the Central Government, State of Tamil Nadu have given implicit consent. Dr.B.R.Ambedkar, is not a stranger to the Constitution of India. Prima facie reasons assigned by the Secretary to the Government, Municipal Administration Water Supply (M.C.6) Department, Chennai, that change of name would create problem, cannot be sustained. Therefore, we direct the Secretary to the Government, Municipal Administration Water Supply (M.C.6) Department, Chennai, to re-visit the same, and accordingly report.

7. Post on 13.06.2019."

3. On 13/6/2019, we passed the following order:-

"On this day, when the matter came up for further hearing, Mr.E.Manoharan, learned Additional Government Pleader submitted that as directed by this Court, Government is revisiting the issue and have called for the files from Vellore Corporation. A meeting is scheduled for taking a decision.

2. At this juncture, we wish to state that earlier the Government have considered the mandate in G.O.Ms.No.1531, Rural Development and Local Administration Department, dated 3/10/1978, which states that wherever there is a reference to a caste, in the name of roads and streets, the same has to be removed and we are of the view that the same applies to a Nagar, Colony, etc.

3. Mr.E.Manoharan, learned Additional Government Pleader is directed to communicate the above observations.

4. Post on 27/6/2019 in the motion list."

4. Today, when the matter came up for further hearing, placing reliance on G.O.Ms.No.84, Municipal Administration and Water Supply (MC6) Department, dated 3/7/2019, Mr.E.Manoharan, learned Additional Government Pleader submitted that Government have issued orders, accepting the proposal of the Commissioner of Municipal Administration and permitted the Commissioner, Vellore City Municipal Corporation, to change the name of Thoti Lane known as Scavengers Colony, Kaspas, Vellore as Dr.Ambedkar Nagar, Kaspas, Vellore. He further submitted that the Commissioner, Vellore City Municipal Corporation has been directed to issue a Notification, in this regard, in Vellore District Gazette.

5. For brevity, G.O.Ms.No.84, Municipal Administration and Water Supply (MC6) Department, dated 3/7/2019, is extracted hereunder:-

Municipal Administration and Water Supply (MC6) Department
G.O.Ms.No.84 Dated
3/7/2019

O R D E R

One Thiru.K.Krishnamoorthy, Founder of Dr.Ambedkar and K.Jeevan Prasad Memorial Students Educational Trust filed a writ petition No.18808 of 2017 before the Hon'ble High Court of Madras with a prayer to change the name of the Thoti lane known as Scavengers Colony, Kaspas, Vellore as Dr.Ambedkar Nagar, Kaspas, Vellore.

2. In the reference first read above, the Hon'ble High Court of Madras had permitted the petitioner to submit a representation to the Government and upon receipt of the same, the Government shall take note of the proposal submitted by the Commissioner of Municipal Administration and to pass appropriate orders.

3. The Government examined the Resolution passed by the Vellore City Municipal Corporation and the proposal of the Commissioner of Municipal Administration in detail and rejected the same vide Government Letter fourth read above.

4. Now, the Hon'ble High Court of Madras, in its interim order dated 3/6/2019 in the writ petition No.12801/2019 filed by the petitioner challenging the Government letter No.804/MC-6/2018-2, dated 10/10/2018, has directed the Government to re-visit the proposal of the Commissioner of Municipal Administration and accordingly report.

High Court of Madras, the Government revisited the proposal of the Commissioner of Municipal Administration on the following grounds:-

(i). The definitions issued for the term "Arunthathiyar" in Section 3 (e) of the Tamil Nadu Government Servant (Conditions of Service) Act, 2016; and

(ii). The name of "Thoti" finds place in Serial No.67 in the list of Castes under Scheduled Caste. It is already held that names of streets based on communities should be avoided.

6. After careful examination, the Government have decided now decided to accept the proposal of Commissioner of Municipal Administration and permit the Commissioner, Vellore City Municipal Corporation to change the name of Thoti Lane known as Scavengers Colony, Kaspas, Vellore as "Dr.Ambedkar Nagar, Kaspas, Vellore."

7. The Commissioner, Vellore City Municipal Corporation is directed to issue a notification in this regard in the Vellore District Gazette.

6. In view of the above, Commissioner, Vellore City Municipal Corporation, third respondent, is directed to publish a Notification, in Vellore District Gazette, within a period of one week, from the date of receipt of a copy of this order.

7. With the above direction, writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

1. Secretary to the Government
Municipal Administrative Department
Fort St. George Chennai.

2. The Director
Directorate of Municipality
Chepauk Chennai 3.

3. The Commissioner
Municipal Corporation, Vellore District.

+1cc to Mr.K.Abraham , Advocate SR.No. 55822

+1 cc to Government Pleader Sr.No. 56573

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