



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P(MD).No.3363 of 2019

and

W.M.P.(MD)No.2649 & 2650 of 2019

WEB COPY

S.P.S.Subhas Servai Yadhav

.. Petitioner

Vs.

1.The Block Development Officer,
Kayathar Panchayat Union,
Kayathar,Thoothukudi District.

2.The Inspector of Police,
Nalattinpudur Police Station,
At Vanarampatti,
Thoothukudi District.

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned notice dated 10.02.2019 issued by the second respondent and quash the same as illegal and arbitrary consequently directed the first respondent to approve the Memorial Pillar of first freedom fighter of India, Veeran Alagumuthukone in Survey No.41/2 and 41/2A situated at Kattalangulam Village, Kayathar Taluk, Thoothukudi District.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

ORDER

This writ petition has been filed to challenge the impugned notice passed by the second respondent dated 10.02.2019 thereby directing the petitioner to remove the construction of freedom fighter Veeran Alagumuthukone's Memorial Pillar.

2.The learned counsel for the petitioner would submit that the petitioner is the founder of the Veeran Alagumuthukone Anandarengar Peravai in the year 2008 and it was registered under the Tamilnadu Co-operative Societies Act. He purchased the lands in Kattalangulam Village in S.No.41/2 to an extent of 3 Acre 71 cents for the purpose of installing the Veeran Alagumuhtukone's Memorial Pillar and Museum. The petitioner started the said construction work without getting permission from the concerned authorities. After he came to know about the knowledge of the permission, he sent a representation to the second respondent for seeking permission and police protection. But, the second respondent issued notice to the petitioner to remove the Memorial Pillar within two days. Further he submitted that the petitioner sent a representation to the District



Collector, Thoothukudi as well as the first respondent seeking permission to install the Memorial Pillar and the same is pending for consideration. Hence, he prayed to quashment of the petition.

3. The learned Additional Public Prosecutor would submit that the petitioner has constructed the said Memorial Pillar without getting prior permission of the concerned authorities. Further, he submitted that the said construction would create law and order problem. Hence, he prayed to dismissal of the petition. However, he submitted that the petitioner sent a representation on 18.02.2019 to the District Collector, Thoothukudi as well as the first respondent seeking permission to install the Memorial Pillar and the same is pending for consideration.

4. Considering the above facts and circumstances, the first respondent as well as the District Collector, Thoothukudi, is directed to consider the representation of the petitioner dated 18.02.2019 within a period of four weeks from the date of receipt of a copy of this order and pass appropriate orders on merits in accordance with law after giving opportunity of hearing.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

DSS

To

1.The Block Development Officer,
Kayathar Panchayat Union,
Kayathar,Thoothukudi District.

2.The Inspector of Police,
Nalattinpudur Police Station,
At Vanarampatti,Thoothukudi District.

+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-99843[F] dated
20/11/2019)

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SMA/13/12/19/2P/4C

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