



WEB COPY

W.P.(MD)No.17683 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 07.12.2020

CORAM

THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN

AND

THE HON'BLE Mr. JUSTICE B.PUGALENDHI

W.P. (MD)No.17683 of 2020

and

W.M.P. (MD)No.14761 of 2020

Ganesan, S/o.Muthan @ Muthaiah

.. Petitioner

Vs.

1. The District Collector,
Pudukkottai,
Pudukkottai District.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Pudukkottai District.
3. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Pudukkottai District.
4. The Tahsildar,
O/o. The Tahsildar Office,
Karambakudi Taluk,
Karambakudi,
Pudukkottai District.
5. The Divisional Engineer,
Highways Department,
Pudukkottai District.
6. The Assistant Sub-Divisional Engineer,
Highways Department,
Karambakudi,
Pudukkottai District.
7. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Alangudi & Taluk,
Pudukkottai District.



8. The Inspector of Police,
Karambakudi Police Station,
Karambakudi,
Pudukkottai District.

9. The Sub-Inspector of Police,
Malaiyur Police Station,
Malaiyur, Karambakudi Taluk,
Pudukkottai District.

10. Paneer, S/o. Palanivelu

11. Santhar, S/o. Manickam

12. Arumugam, S/o. Manickam

13. Saravanan, S/o. Santhar

14. Chinnaraja, S/o. Santhar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 9 to remove the 'Muthiraiyar Sangam's Flag Pole and flex board, which are fixed between the properties in Survey Nos. 53/33 and 53/34 and Pudukkottai - Karambakudi Main Road, Malaiyur Village, Karambakudi Taluk, Pudukkottai District, by considering the petitioner's representation, dated 24.11.2020.

For Petitioner	:	Mr. K. Baalasundharam
For R1 to R9	:	Mr. R. Murugan
		Additional Government Pleader

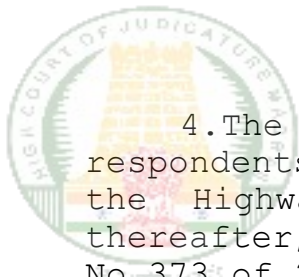
ORDER

(Order of the Court was made by N. KIRUBAKARAN, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 9 to remove the 'Muthiraiyar Sangam's Flag Pole and flex board, which are fixed between the properties in Survey Nos. 53/33 and 53/34 and Pudukkottai - Karambakudi Main Road, Malaiyur Village, Karambakudi Taluk, Pudukkottai District, by considering the petitioner's representation, dated 24.11.2020.

2. According to the petitioner, the private respondents viz., respondents 10 to 14 erected flag pole and flex board in the Highways and caused nuisance to him. In this regard, the petitioner has already given a complaint to the 9th respondent and also issued a lawyers notice, dated 13.11.2020, to the 11th respondent. Since no action has been taken, the petitioner has approached this Court for the relief as stated supra.

3. Heard Mr. K. Baalasundharam, learned counsel appearing for the petitioner and Mr. R. Murugan, learned Additional Government Pleader appearing for the respondents 1 to 9.



4.The learned Additional Government Pleader appearing for the respondents 1 to 9 would submit that Survey No.85 is belonging to the Highways. A Peace Committee Meeting was conducted and thereafter, the issue was not resolved and hence, a case in Crime No.373 of 2020 the has been registered under Sections 143, 283, 269 and 270 of I.P.C. r/w. Section 51(b) of the Disaster Management Act. Thereafter, the private respondents themselves have removed the said flag pole and flex board.

5.Even though the private respondents have removed the erected flag pole and flex board, the eighth respondent police is duty bound to proceed with the investigation and file a final report. It is evident from the records that erection of unauthorised flex board and flag board would also constitute an offence under the provisions of the Tamil Nadu Open Places (Prevention of Disfigurement) Act. The eighth respondent police shall also take into consideration the violation of the said Act and if there is any violation of the said Act, amend the provisions of the F.I.R. and deal with the same.

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

Sd/-

Assistant Registrar (T&P)

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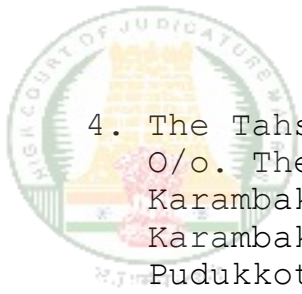
Sub Assistant Registrar(CS)

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Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Pudukkottai,
Pudukkottai District.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Pudukkottai District.
3. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
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4. The Tahsildar,
O/o. The Tahsildar Office,
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