



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA**

**W.P(MD)NO.26983 OF 2019**

WEB COPY

Dharani Muthukumar

:Petitioner

.vs.

1.The District Collector,  
Pudukkottai District,  
Pudukkottai.

2.The Revenue Divisional Officer,  
Pudukkottai District,  
Pudukkottai.

3.The Tahsildar,  
Alangudi Taluk,  
Pudukkottai District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in his proceedings in O.Mu.No.9407/C3/2019, dated 12.6.2019 and quash the same as illegal and consequently to direct the first respondent to permit the Petitioner to re-install the statue of Dr.Bhimarao Ramji Ambedkar at Adi Dravidar Colony, Sudaroli Nagar, Kuppagudi Village, Alangudi Taluk, Pudukkottai District.

For Petitioner

:Mr.T.Lenin Kumar

For Respondents

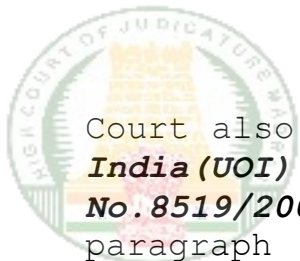
:Mrs.J.Padmavathi Devi  
Special Govt.Pleader

#### **O R D E R**

This Writ Petition has been filed seeking to quash the order passed by the first respondent in his proceedings in O.Mu.No.9407/C3/2019, dated 12.6.2019 as illegal and consequently to direct the first respondent to permit the Petitioner to re-install the statue of Dr.Bhimarao Ramji Ambedkar at Adi Dravidar Colony, Sudaroli Nagar, Kuppagudi Village, Alangudi Taluk, Pudukkottai District.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The subject-matter issue relates to installation of a statue of Dr.Bhimarao Ramji Ambedkar at Adi Dravidar Colony, Sudaroli Nagar, Kuppagudi Village, Alangudi Taluk, Pudukkottai District. The impugned order came to be passed in view of the pendency of the issue before the Honourable Supreme Court. The Honourable Supreme



Court also passed an order on **13.09.2011** in the case of **Union of India(UOI) .vs. State of Gujarat and others made in SLP(C) No.8519/2006 and W.P(C)No.314 of 2010**. As per the said judgment, the paragraph Nos.6 and 7 relates to the State of Tamil Nadu, which reads as follows:

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**STATE OF TAMIL NADU**

6.The Chief Secretary of the State of Tamil Nadu has filed an affidavit in which it is stated that there are 77.453 unauthorized religious structures on public lands in the State of Tamil Nadu. Learned counsel for the State Submits that the Government of Tamil Nadu has formulated a policy for removal , relocation and regularization of the unauthorized encroachments of public lands. He prays for time to file the present status report.

7.Let an affidavit be filed by the Chief Secretary within three weeks, mentioning therein as to whether the policy has been implemented and also indicating that out of the total number of unauthorized religious structures, how many of them have been removed, relocated or regularized. A copy of the policy also be placed on record.

4.Pursuant to the said direction, a Government Order in G.O. (Ms)No.183, Revenue Department, Land Disposal Wing(L.D.4(1))Section, dated 23.5.2017 was issued and para 8(ii) of the said Government Order, reads as under:

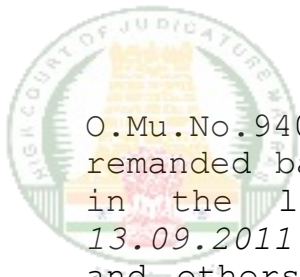
'8.The Government after careful examination have decided to issue the procedures to be followed and ordered as detailed below:-

I).....

ii)It should,however, be borne in mind that, the Honourable Supreme Court in SLP(C)8519/2006 has ordered that the State Government shall not grant any permission for installation of any statute or construction of any structure in public roads, pavements, sideways and other public utility places.''

5.The impugned order only states that the installation of the statue was sought for in the land allotted by the Government for Adi-Dravidars. It does not say whether the Petitioner attempted to instal the statue on public roads, pavements, sideways and other public utility places.

6.As there is no clarity in the order, the impugned order passed by the first respondent in his proceedings in  
<https://hcservices.ecourts.gov.in/hcservices/>



O.Mu.No.9407/C3/2019, dated 12.6.2019 is set aside and the same is remanded back to the first respondent to consider the matter afresh in the light of the order of the Honourable Supreme Court 13.09.2011 in the case of Union of India(UOI) .vs. State of Gujarat and others made in SLP(C)No.8519/2006 and W.P(C)No.314 of 2010 as well as G.O.(Ms)No.183, Revenue Department, Land Disposal Wing(L.D.4 (1))Section, dated 23.5.2017, after affording an opportunity of personal hearing to the Petitioner and others concerned, within a period of two weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

- 1.The District Collector,  
Pudukkottai District,  
Pudukkottai.
- 2.The Revenue Divisional Officer,  
Pudukkottai District,  
Pudukkottai.
- 3.The Tahsildar,  
Alangudi Taluk,  
Pudukkottai District.

+1 CC to M/s.SPL.GP ( SR-3915[F] dated 30/01/2020 )

+1 CC to M/s.T.LENINKUMAR, Advocate ( SR-3953[F] dated 30/01/2020 )

**ORDER MADE IN**  
**W.P(MD)NO.26983 OF 2019**  
**29.01.2020**

**SMA/12/02/2020/3P/6C**