



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.19798 of 2017

P.Arumugasamy

... Petitioner

vs.

- 1.The District Collector,
Virudhunagar,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 3.The Tahsildar,
Srivilliputhur,
Virudhunagar District.
- 4.The Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.
- 5.The Inspector of Police,
Vathirairuppu, Virudhunagar District.

6.A.Alagusamy

... Respondents

(R6 impleaded vide order of this Court, dated 27.02.2020 in W.M.P. (MD) No.3640 of 2020)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the respondents from interfering the function relating to the unveiling of the statue of Pasumpon Muthuramalinga Thevar installed in the place of Survey No.659/2, Kansapuram Village belongs to the Maravar community.

For Petitioner :Mr.S.Mahalingam

For R1 to R5 :Mr.C.Ramar
Additional Government Pleader

For R6 :Mr.A.K.Azey Kumar Rhakul



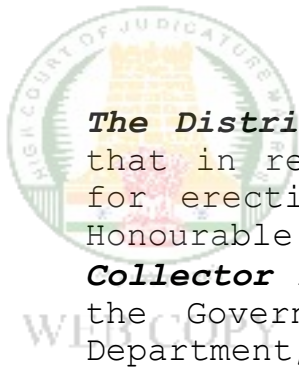
ORDER

This Writ Petition is filed to forbear the respondents from interfering with the function relating to the unveiling of a statue of Pasumpon Muthuramalinga Thevar installed in S.No.659/2 in Kamsapuram Village.

2.The petitioner states that he is the President of the Statue Organising Committee, which has been formed by a group of persons belonging to Maravar community. It is stated that in the year 1999, the members belonging to the petitioner community installed a statue of freedom fighter Pasumpon Muthuramalinga Thevar. Due to time factor and other reasons, it is reported that the statue, which was installed in 1999, was affected / damaged. Therefore, it is stated that the petitioner's community decided to remove the old statue and instal a new one. For unveiling the statue, the petitioner and the members of the petitioner's community appears to have arranged a function. However, the first respondent directed the petitioner and their men to appear for enquiry. Though the first respondent conducted an enquiry and obtained a statement from the petitioner regarding protection of statue at the risk and cost of the petitioner, it is stated that the District Collector did not grant permission for unveiling the statue till now. It is in the said circumstances, the Writ Petition is filed for forbearing the respondents from interfering with the function unveiling the statue of Pasumpon Muthuramalinga Thevar.

3.Though the cause title showing the petitioner and prayer is improperly given, this Court has understood that the petitioner has filed this Writ Petition representing the Committee, which was constituted for the construction of a statue of Pasumpon Muthuramalinga Thevar in Kansapuram village. Since a doubt as to ownership of land was raised by the learned Additional Government Pleader appearing for the officials respondents with regard to the land, in which the statue is located, the petitioner is directed to implead the land owner. However, the Trustee of Arulmighu Mangammal Thirukovil, Kansapuram, has filed a impleading petition to implead him as a party to the proceedings. It is admitted by the newly impleaded respondent that the land in S.No.659/2, in which the statue is erected, belongs to Arulmighu Mangamal Thirukovil. The sixth respondent, who has now been impleaded, has no objection for the statue being installed in the land, which belongs to the sixth respondent.

4.Since the statue is proposed to be installed in a private land, no permission is required, as it has been repeatedly held by this Court in several judgments. The learned Counsel for the petitioner relied upon a judgment of this Court in W.P.(MD)No.15087 of 2018, in the case of **Sonai Meenal Arts and Science College vs**



The District Collector, Ramanathapuram, wherein, it has been held that in respect of private patta land, no permission is necessary for erecting or unveiling any statue, following the decision of Honourable Division Bench in the case of **Vijayan vs The District Collector** in W.A. (MD) Nos.1079 and 1402 of 2016. After referring to the Government Order vide G.O.Ms.No.248, Rural Development (C) Department, dated 23.11.1995 and a previous judgment of Honourable Division Bench of this Court, the Honourable Division Bench pointed out that there is no law prohibiting or requiring prior permission before erecting a statue in a private land. It is only when such erection is in a public building, prior permission is required. The law that is settled by this Court is that there is no need to get prior permission from the authority for erecting a statue in a private patta land.

5. Having regard to the admitted position that the statue is erected in a private patta land, that the installation is just replacement of old statue and that the Trust, which owns the property, has no objection for erection of statue, the District Collector is directed to grant permission to the petitioner or the organisers, who have installed the statue to unveil the statue subject to reasonable conditions to ensure law and order. Since the learned Counsel for the petitioner has relied upon the undertaking given by the petitioner in their representation, dated 10.04.2017, the first respondent may also pass an order granting permission to the petitioner to unveil the statue subject to the condition that the petitioner and his community men will give their own protection to the statue to ensure public order, within a period of eight weeks from the date of receipt of a copy of this order. With the above directions, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cmr

To

1. The District Collector,
Virudhunagar,
Virudhunagar District.

2. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

4.The Deputy Superintendent of Police,
Srivilliputhur, Virudhunagar District.

5.The Inspector of Police,
Vathirairuppu, Virudhunagar District.

+2 CC to M/s.S.MAHALINGAM, Advocate (SR-9027[F] dated 27/02/2020)

+1 CC to M/s.SPL.GP (SR-9113[F] dated 28/02/2020)

W.P. (MD) No.19798 of 2017
27.02.2020

RN(09.03.2020) 4P-9C