

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-01-2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.23140 of 2014
and
M.P.Nos. 1 and 2 of 2014

M.Veeraraghavan

... Petitioner

Vs.

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai 600 009.

2. The District Collector,
Vellore District,
Vellore.

3. The Tahsildar,
Office of the Tahsildar,
Arakonam Taluk
Vellore District.

4. The Village Panchayat President,
Kainoor Village Panchayat
Arakonam Taluk
Vellore District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the entire records connected with the impugned notice issued by the 3rd respondent in Na.Ka.P1/Pa.Ve.154/2014 dated 21.08.2014 and quash the same.

For Petitioner : Mr.P.S.Amal Raj

For Respondents : Mr.M.Rajendiran,
Additional Government Pleader.

O R D E R

Today i.e., on 04.01.2022, the matter is listed under the caption 'For Clarification' and this Court passed the following order:-

Pursuant to the directions issued by this Court on 03.01.2022, the learned Additional Government Pleader secured instructions from the District Collector Tiruppur District and submitted a copy of the letter issued by the District Collector, Tiruppur District dated 15.09.2021.

2. The case was listed pursuant to the registered letter sent by one Thiru Atchaya Thirumuruga Dinesh, in his letter pad, showing that he is the State President, Shivsena and the said letter reads as under:-

"I humbly request your good office immediate intervention su-moto contempt in spite of your direction statue is going to be erected in vicinity of Tirupur, Railway Station Bus Stop already accident crown zone statue is ready to be erected please to stop live menace of accident and safeguard the public at large. Your humble intervention is requested. You are temple of wisdom to stop the upcoming statue to be erected."

3. Along with the letter, two news publications dated 27.12.2021 are enclosed. In the said news paper, it is stated that the statue of the former Chief Minister of Tamil Nadu Dr.Kalaignar Karunanidhi is going to be installed near Tiruppur Railway Station Bus Stop and the petitioner has stated that the said area is the 'Accident Prone Zone' and in the event of installation of the statue, the same would cause greater hindrance to the free flow of traffic and further cause inconvenience to the road users and for movement of vehicles.

4. It is contended that erection of statue in public roads and in public places, are already prohibited both by the Hon'ble Supreme Court of India and by this Court in order dated 07.10.2021 passed in WP No.23140 of 2014. Elaborate orders are passed even for shifting of the existing statue to a common place for easy maintenance and for protection of the statue. However, the implementation of the said judgment is yet to be carried on. Under these circumstances, this Court considered the letter and directed the learned Additional Government Pleader to get instructions.

5. The letter dated 15.09.2021 issued by the District Collector, Tiruppur District, states that the Tiruppur South M.L.A. submitted an application on 24.08.2021 for erection of the statue of the former Chief Minister of Dr.Kalaignar Karunanidhi near Tiruppur Railway Station Bus Stop. The said application was rejected and it is stated that there is no provision for grant of permission in view of the judgment of the

Hon'ble Supreme Court of India dated 18.01.2013 in SLP (Civil) No.8519 of 2006.

6. The judgment of this Court in WP No.23140 of 2014 was delivered on 07.10.2021 after the rejection order passed by the District Collector, Tiruppur in proceedings dated 15.09.2021. Even at that point of time, the District Collector rejected the application relying on the judgment of the Apex Court of India. Thereafter, this Court also followed the said judgment and issued further directions even to shift the statue and other constructions, which all are causing inconvenience and hindrance to free flow of traffic in public roads and the directions of the said judgment is yet to be implemented by the Government.

7. This being the factum, no further consideration is required as the District Collector has rejected the application submitted by the Tiruppur South M.L.A. for erection of the statue near the Tiruppur Railway Station Bus Stop.

8. Accordingly, no further orders are required.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai 600 009.
2. The District Collector,
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Vellore.
3. The Tahsildar,
Office of the Tahsildar,
Arakonam Taluk
Vellore District.

4. The Village Panchayat President,
Kainoor Village Panchayat
Arakonam Taluk
Vellore District.

+1cc to the Government Pleader, S.R.No.652

W.P.No.23140 of 2014

NRL(CO)
CT 16/02/2022