



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

**W.P. (MD)No.4778 of 2021
and
WMP (MD) No.3900 of 2021**

(Through Video Conferencing)

R.Chinnasamy

: Petitioner

Vs.

1.The Secretary to the Government
Highways Department
Fort St.George
Chennai - 600009.

2.The District Collector
Office of the District Collector
Thanthonimalai
Karur District .

3.The Commissioner
Karur Municipality
Karur District .

4.The Weaving and Knitting owners association
No.4 Pradakshinam Road
Karur district .

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of certiorari calling for the records pertaining to the 2nd respondent in Na.Ka.G 1/3936/ 2020 dated 12/02/2021 and quash the same.

For Petitioner	: Mr.M.Bindran
For Respondents	: Mr.Sricharan Rengarajan Additional Advocate General assisted by Mr.K.P.Krishnadoss for R1 & R2 Special Government Pleader Mr.J.Senthil Kumaraiah for R3



ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This writ petition has been filed styling it as a Public Interest Litigation challenging a decision made by the respondent No.2 to replace the existing statue of the Father of the Nation, which has got damaged, with a new one in the very same place.

2. The petitioner claiming to be the District President of All India National Congress has filed this present writ petition, inter alia alleging due procedure has not been followed.

3. Though the learned counsel for the petitioner has stated that the intention is only to follow the procedure, no prayer has been sought for making repair to the existing one or maintaining the same in a better way. It is also not his case that the existing one has got removed.

4. The learned Additional Advocate General appearing for the respondents submitted that it is not known as to how the petitioner could get a copy of the impugned proceedings dated 12.02.2021, which is an interdepartmental communication sent to the Commissioner of Karur Municipality. It is further submitted that there is no need for following the procedure as such for hearing the petitioner, since it is a case of only replacement of the new one in the place of old one.

5. We do not find any merit absolutely whatsoever in this writ petition. What is sought to be erected is a new bronze statue gifted by the members of the Cooperative Society, namely, the respondent No.4. It is strange to note that the petitioner was not aware of the fact that the respondent No.4 has gifted the statue, though the same has already been intimated in the impugned order passed.

6. As rightly submitted by the learned Additional Advocate General that there was a resolution passed by the local body facilitating the erection of the statue. The factual statement made in the impugned order on the damage caused to the existing one is neither disputed nor denied. The petitioner has not even sought for the alternative relief. If the impugned order is quashed as sought for by the petitioner, the old damaged statue would continue to be on display. We do not find any reason to hold that once again a new procedure will have to be followed. The petitioner cannot have any grievance with respect to the procedural compliance, if he is actually desirous of having a statue in the said place. Till now, the petitioner has not taken any steps to eradicate the damage that has caused to the old statue. Therefore, we do not find any iota of public interest involved in the prayer made in the writ petition.



Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

RR

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 Secretary to the Government
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+1 CC to M/s.SPL GP (SR-10172[F] dated 10/03/2021)

Order made in

W.P. (MD)No.4778 of 2021

Dated: 09.03.2021

VB (18.03.2021) 3P 5C