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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.NO.19476 OF 2015

P.V.Kariyamal

... Petitioner

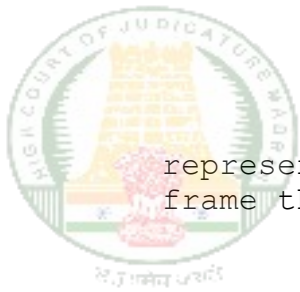
Vs.

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Home Department, Fort St.George,
Chennain - 600 009.
2. The District Collector,
Dharmapuri District,
Dharmapuri.
3. The Superintendent of Police,
Dharmapuri & District.
4. The Deputy Superintendent of Police,
Harur, Dharmapuri District.
5. The Revenue Divisional Officer,
Harur, Dharmapuri District.
6. The Tahsildar,
Harur, Dharmapuri District.
7. The Inspector of Police,
Harur Police Station,
Dharmapuri District.

... Respondents

PRAYER:

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to grant sanction/permission to the petitioner to install the bronze statue of Dr.B.R.Ambedkar replacing the existing one made of cement at the Harur Town Roundtana opposite Dharmapuri District Central Co-operative Bank, Dharmapuri District on the basis of the petitioner's



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representations dated 10.11.2014 and 02.12.2014 within a time frame that may be fixed by this Court.

For Petitioner : M/s.S.Sathia Chandran

For Respondents : Mr.T.Venkatesh Kumar
Special Government Pleader

O R D E R

The petitioner is a State President, Republican Party of India, Tamil Nadu Committee of Harur Taluk, Dharmapuri District. On 21.12.1961, on behalf of the party to which the petitioner is affiliated, installed the flag pole. In the year 1985, they have taken a decision to install a bronze statue of Dr.B.R.Ambedkar at an estimate of Rs.1.50 lakhs. Pursuant to that, in the year 1993, they have constructed the pedestal for the same. However, even before making of the bronze statue, certain persons, without any prior permission from the Government, have erected a cement statue of Dr.B.R.Ambedkar on the pedestal constructed by the petitioner. When it was objected by the political party to which, the petitioner is attached, a request was made not to remove till it is replaced by bronze statue. Again on 04.02.2014, the petitioner made a representation for replacing cement statue with bronze statue.

2. However, the rival group, in the name of Dr.B.R.Ambedkar Makkal Nala Sangam, are taking steps to prevent the petitioner from installing the bronze statue. They proposed that they will repair the existing statue and reinstall it in the same place and they are attempting to encroach upon the same. Thereafter, a Committee consisting of members of both sides were constituted but, there could not be any unanimity in this issue.

3. On the direction of this Court, the District Administration, in consultation with the Police Department, has filed a status report today. It is noted that the place in which the bronze statue made by the petitioner is to be installed, was kept vacant due to unresolved difference of opinion even among the followers of Dr.B.R.Ambedkar in respect of both the Revenue and Police Department of the District. However, it is also noted that as contemplated in paragraph No.4 of G.O.(Ms) No.248, Rural Development (C2) Department, dated 23.11.1998, the petitioner has not obtained permission from the Government.

4. It is also further submitted that the Harur Rountana is one of the major areas where the common people gather at large including school going children, working women, elderly



citizens, patients (as Taluk headquarters Government Hospital is within 20 meters of the rountana). The statue is also erected on the Government poromboke land. It is also submitted that a law and order problem in the vicinity of this area would create a riffle, which will have its effect throughout the entire Taluk of Harur.

5. The learned counsel appearing for the petitioner would submit that they have already submitted the representation on behalf of the party to the Government on 10.11.2014 and the same is pending without disposal and restricts his prayer for disposal of the same.

6. Considering the pendency of the representation, a direction is issued to the respondents to consider the said representation of the petitioner in terms of the judgment of the Hon'ble Supreme Court on this aspect and G.O.(Ms) No.248, Rural Development (C2) Department, dated 23.11.1998, G.O.Ms.No.186, Municipal Administration, dated 21.09.1998 and G.O.(Ms).No.183, Revenue Department - land Disposal Wing, dated 23.05.2017 and pass orders within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Home Department, Fort St.George,
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4. The Deputy Superintendent of Police,
Harur, Dharmapuri District.



5. The Revenue Divisional Officer,
Harur, Dharmapuri District.

6. The Tahsildar,
Harur, Dharmapuri District.

7. The Inspector of Police,
Harur Police Station,
Dharmapuri District.

+1cc to M/s.S.Sathia Chandran, Advocate, S.R.No.29479

+1cc to the Special Government Pleader, S.R.No.30986

W.P.No.19476 of 2015

SKM(CO)
PM(24/05/2022)