



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P (MD)No.2851 of 2020

WEB COPY

New SMS Garden Residents Association,
Rep. by its Secretary Mrs.Premala Selvakumari

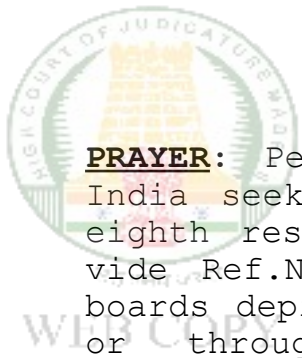
... Petitioner

Vs.

- 1.The District Collector,
Nagercoil - 629001,
Kanyakumari District.
- 2.The Sub-Collector / Revenue Divisional Officer,
Nagercoil - 629001,
Kanyakumari District.
- 3.The Tahsildhar,
Agastheeswaram Taluk,
Nagercoil - 629001,
Kanyakumari District.
- 4.The Block Development Officer,
Rajakkamangalam - 629502,
Kanyakumari District.
- 5.The Village Administrative Officer,
Kaniyakulam,
Nagercoil - 629003,
Kanyakumari District.
- 6.The Village Administrative Officer,
Vadaseri West,
Nagercoil - 629003,
Kanyakumari District.
- 7.The Revenue Inspector,
Vadaseri West,
Nagercoil - 629 001,
Kanyakumari District.
- 8.The Inspector of Police,
Vadaseri, Nagercoil - 629 001,
Kanyakumari District.

9.Nanji B.E.Jeyakumar

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the eighth respondent to enforce the order of the second respondent, vide Ref.No.A 3 /2390/2019 dated 11.11.2019 and remove the name boards depicting "J.K. Garden", fixed by the 9th private respondent or through his association pursuant to the petitioner's representation dated 09.12.2019.

For Petitioner : Mr.N.Dilip Kumar
For R-1 to R-8 : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor
For R-9 : Mr.R.J.Karthick

ORDER

The writ petition has been filed for a direction to implement the order passed by the Revenue Divisional Officer, Kanyakumari District, dated 11.11.2019, directing both the groups in the *lis* to remove the name boards erected by both the groups.

2. The brief facts of the case are as follows:

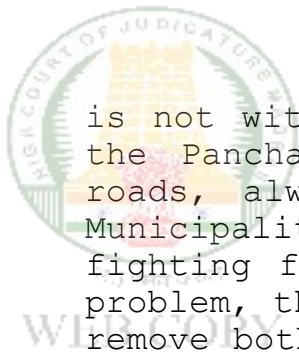
Originally, one unapproved layout was promoted in the name of 'SMS Garden'. Thereafter, the name board of "J.K. Garden" was erected by other group. Earlier, the Revenue Divisional Officer, has also approved the same. Thereafter, taking note of the disputes between two groups, the Revenue Divisional Officer, directed both the groups to remove the respective names from the disputed area. Now, the writ petition has been filed seeking direction to implement of the order passed by the Revenue Divisional Officer, dated 11.11.2019 in Ref.No.A 3 /2390/2019.

3. The learned counsel for the petitioner would submit that no-one have a right to have their name board in a particular area. After the area has been developed, naming of streets and place vests with the respective local bodies or the municipalities etc. Therefore, his contention is that though the area was developed in the name of 'SMS Garden' from the very inception, now they confined to the relief only with regard to erect common name board.

4. Whereas the learned counsel appearing for the ninth respondent would submit that the Revenue Divisional Officer has made a proper enquiry earlier and approved the naming of 'J.K. Garden' and thereafter, cancelled the same, which is not permissible.

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

6. Taking note of the nature of the dispute between two groups, this Court is of the view that naming of streets or roads,



is not with the domain of any Promoter or Developer. Even as per the Panchayat Act and Municipalities Act, naming of streets and roads, always vests with the concerned local authorities or the Municipalities etc. Such being the case, when two groups are fighting for placing the name board, which create a law and order problem, the Revenue Divisional Officer, who passed such an order to remove both the name boards, is perfectly correct in the opinion of the Court.

7. Where the entire world is leaning to Digital Era, still fighting for placing a name board at this stage, is highly unacceptable. Such being the case, this Court is of the view that since the local authority has power to name the street and the developed area falls within Kaniyaakulam Village Panchayat, Kanyakumari District, this Court directs the Executive Officer, Kaniyaakulam Village Panchayat, though not a party in this writ petition, to name the place in the name of late.Dr.AP.J.Abdul Kalam, to put an end to the dispute between the parties.

With the above direction, the writ petition is disposed of.
No Costs.

Sd/-

Assistant Registrar(CS-I)

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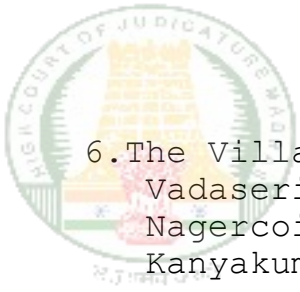
/ /2022

Sub Assistant Registrar(CS)

pm

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- 5.The Village Administrative Officer,
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8.The Inspector of Police,
Vadaseri, Nagercoil - 629 001,
Kanyakumari District.

9.The Executive Officer,
Kaniyaakulam Village Panchayat,
Kanyakumari District.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-10460[F] dated 07/03/2022)

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-10479[F] dated 07/03/2022)

W.P (MD) No.2851 of 2020

04.03.2022

CK(CO)

TR(25.03.2022) 4P 12C