



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.20927 of 2021

and

W.M.P. (MD) .No.17531 of 2021

K.Karuppiah

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Sivagangai District.
- 2.The Tahsildar,
Thiruppathur Block,
Sivagangai District.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Sivagangai District.
- 4.The Inspector of Police,
Keelasevalpatti Police Station,
Sivagangai District.
- 5.The President,
Therku Ilayathankudi Panchayat,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned rejection order in Na.No.H.2/21517/2020 dated 08.11.2021 on the file of the first respondent and quash the same.

For Petitioner : Mr.R.Ganesh Prabu

For R-1 to R-4 : Mr.D.Ghandiraj,
Special Government Pleader.

For R-5 : Mr.D.Sadiqraja,
Additional Government Pleader.



ORDER

Heard Mr.R.Ganesh Prabu, learned counsel for the petitioner who stated that the respondents should be directed to file a counter. Mr.D.Ghandiraj, learned Special Government Pleader appears for the respondents 1 to 4 and Mr.D.Sadiqraja, learned Additional Government Pleader for the fifth respondent.

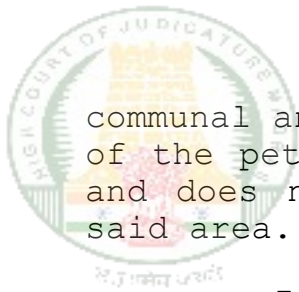
2. This Writ Petition has been filed in the nature of Certiorari seeking interference with a rejection order dated 08.11.2021 passed by the first respondent.

3. The petitioner is an individual K.Karuppiah, Son of Kadappan residing at Illayathankudi South, Thiruppathur Block, Sivagangai District. The petitioner, had installed a statue of Pasumpon Muthuramalinga Thevar to a height of 5 feet in his house. It is stated that he does not require any permission or approval from the building rules of the local body or any other authority. He is aggrieved by the order of the first respondent who had rejected the application of the petitioner and had directed the petitioner to remove the statue within thirty (30) days. The Writ Petition has been filed against the said order.

4. Mr.D.Ghandiraj, learned Special Government Pleader takes notice on behalf of the respondents herein. Impugned order had been read over by Special Government Pleader. It is seen that the first respondent has given cogent reasons for directing the petitioner herein to remove the said statue. It is stated that the statue is not within the house of the petitioner but is abutting the compound wall of the petitioner and is visible to anybody standing in the road side. Therefore it only cause further strife in the area. That should not happen. If the petitioner actually has any respect for Pasumpon Muthuramalinga Thevar, then he can very well have the statue inside his house, inside his room and pay his respects to such statue instead of exhibiting it for the public. This would only mean that he only seeks publicity and does not have any goodwill or respect for the revered Pasumpon Muthuramalinga Thevar.

5. The very act of putting up the statue, as seen from the photographs, abutting the front compound wall and facing the road side, reflects the fact that the petitioner wants to put it as a show piece and not as somebody to be revered or respected. The statue is not facing the house but facing the road side. It had not been put inside the house but outside, abutting the compound wall. The petitioner cannot claim there is no other place inside the house to accommodate the statue.

6. Quite apart from all that, it is seen from the impugned order that this exhibition of the statue to the public would cause



communal and other tension in the area. It is incumbent on the part of the petitioner to ensure that he brings about peace and harmony and does not be a source to initiate a volatile situation in the said area.

7. The reasons stated in the impugned order are accepted by the Court.

8. The Writ Petition stands dismissed. A direction is given to the petitioner to remove the statue within a period of thirty days (30) from this date.

9. With the said observations, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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 District Collector,
District Collector Office,
Sivagangai District.
- 2.The Tahsildar,
Thiruppathur Block,
Sivagangai District.
- 3.The Superintendent of Police,
O/o. Superintendent of Police,
Sivagangai District.
- 4.The Inspector of Police,
Keelasevalpatti Police Station,
Sivagangai District.



5.The President,
Therku Ilayathankudi Panchayat,
Thiruppathur Taluk,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-570[F] dated 06/01/2022)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-667[F] dated
06/01/2022)

+1 CC to M/s.D.SADIQ RAJA, Advocate (SR-787[F] dated 07/01/2022)

W.P (MD) No.20927 of 2021
05.01.2022

RD(28.01.2022) 4P 9C