



W.P.No.24130 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.24130 of 2023

Anbalagan

...Petitioner

-Vs-

1.The District Collector,
Dharmapuri District,
Dharmapuri.

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

3.The Tahsildar,
Pappireddipatti,
Dharmapuri District.

4.The Block Development Officer,
Kadathur Panchayat Union,
Dharmapuri District.

5.The President,
Thadanur Village Panchayat,
Kadathur Union,
Dharmapuri District.

...Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to erect "Dr.Ambedkar" statue in the land comprised in S.No.23/1B at Thadanur Village, Pappireddiapatty Taluk, Dharmapuri District.

For Petitioner : Mr.J.Pradeep

For Respondents : Mr.C.Kathiravan
Special Government Pleader
for R1 to R3

Mr.D.Gopal
Government Advocate for R4 and R5

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come forward with this petition seeking a direction to the first respondent to permit it to install a statue of Dr. Ambedkar in Survey No. 23/1B, which, as per the revenue records, is classified as Grama Natham.



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3. According to the petitioner, the Village Panchayat Council has also passed necessary resolution.

4. Mr.D.Gopal, the learned Government Advocate appearing for the fourth respondent also supported the petitioner and made a statement about the passing of the resolution by the Panchayat.

5.1 C.Kathiravan, the learned Special Government Pleader made a statement that the Hon'ble Supreme Court, in SLP (Civil) No. 8519 of 2006, dated 18.01.2013, has barred the installation of statues in public places. In particular, he brought to the notice of this Court the following passage from the order.

"4. We further direct that henceforth, State Government shall not grant any permission for installation of any statue or construction of any structure in public roads, pavements, sideways and other public utility places. Obviously, this order shall not apply to installation of high mast lights, street lights or construction relating to electrification, traffic, toll or for development and



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*beautification of the streets, highways, roads etc.,
and relating to public utility and facilities."*

5.2 This apart, the Government has come out with G.O.(Ms).No.183, Revenue Department, Land Disposal Wing (L.D.4(1)) Section dated 23.05.2017, and provided certain guidelines for the grant of permission for the installation of statues in public places.

5.3 The learned Special Government Pleader also submitted that aforementioned G.O., is one in the sequence of earlier G.Os . He also brought to the notice of the Court that a Division Bench of this Court, in ***M.Ramachandran vs. The District Collector, Trichy District*** in W.P. (MD).No.7639 of 2021, has stated that the guidelines provided in the above G.O., must be strictly followed.

6.Heard Mr.J.Pradeep, the learned counsel for the petitioner, Mr.C.Kathiravan, the learned Special Government Pleader appearing for respondents 1 to 3, and Mr.D.Gopal, the learned Government Advocate appearing for respondents 4 and 5.



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7.This Court merely directs that in the eventuality of any of the authorities considering the request of the petitioner to install a statue in public places, such authority shall strictly abide by the necessary G.Os passed by the Government from time to time.

8.This Writ Petition stands disposed of accordingly. No Costs.

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Index : Yes/No

Internet : Yes/No

Anu

To

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4.The Block Development Officer,
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