



W.P(MD)No.27417 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.11.2023

Coram

THE HON'BLE MR.JUSTICE **M.SUNDAR**
and
THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

W.P(MD)No.27417 of 2023

Susi.Thamizhpandian

.. Petitioner

VS

- 1.The District Collector,
Theni District.
- 2.The Superintendent of Police,
Theni District.
- 3.The Revenue Divisional Officer,
Periyakulam Taluk, Theni District.
- 4.The Deputy Superintendent of Police,
Periyakulam Taluk,
Theni District.
- 5.The Tahsildar,
Periyakulam Taluk,
Theni District.
- 6.The Commissioner,
Periyakulam Municipality,
Periyakulam,
Theni District.



W.P(MD)No.27417 of 2023

7.The Inspector of Police,
Periyakulam Police Station,
Theni District.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents herein from laying and installing any barricade net cover the metal statue of great leader Dr.Ambedkar installed at the entrance of old bus stand of Periyakulam Taluk, Theni District as per proceedings of the first respondent in O.Mu.18457/2001 dated 06.06.2001.

For Petitioner	:	Mr.S.Arockiasamy
For Respondent Nos.1, 3 & 5	:	Mr.P.Thilak Kumar Government Pleader
For Respondent Nos.2, 4 & 7	:	Mr.S.Ravi Additional Public Prosecutor
For Respondent No.6	:	Mr.N.Dilip Kumar Standing Counsel

ORDER

[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Writ Petition' [hereinafter 'WP' for the sake of brevity] has been filed in this Court on 15.11.2023 as a 'Public Interest Litigation' [hereinafter 'PIL' for the sake of brevity].



W.P(MD)No.27417 of 2023

WEB COPY

2.Short facts are that captioned WP pertains to 'a statue of Dr.Ambedkar at the entrance of old bus stand of Periyakulam Taluk, Theni District' [hereinafter 'said statue' for the sake of convenience and clarity]; that said statue is a metal statue; that according to PIL petitioner no new barricade or new net cover should be put up is the plea; that efforts to put in new barricade and new net cover is underway is the complaint of PIL petitioner.

3.Mr.S.Arockia Samy, learned counsel on record for PIL petitioner whom we are informed that petitioner is a practising Advocate, reiterated the aforementioned plea.

4.Issue notice.

5.Mr.P.Thilak Kumar, learned Government Pleader accepts notice for respondents 1, 3 and 5; Mr.S.Ravi, learned Additional Public Prosecutor accepts notice for respondents 2, 4 and 7 and Mr.N.Dilip Kumar, learned standing counsel accepts notice for sixth respondent.



W.P(MD)No.27417 of 2023

WEB COPY

6.Owing to the narrow scope and compass of the matter, main WP is taken up in the Admission Board itself with the consent of both sides.

7.From the submissions made on both sides, the following undisputed position comes to light:

'(i) Said statue was installed on 14.04.2000;

(ii) In 2001, to be precise on 06.06.2001 proceeding bearing reference No.Oo.Mu.18457/2001 was made by first respondent permitting a committee which installed the said statue to carry out security and maintenance work [பாதுகாப்பு மற்றும் பராமரிப்பு பணிகள்];

(iii) Pursuant to aforementioned proceedings, metal ladder and a net cover were put up and a photograph taken thereafter subsequent to this work was placed before us



W.P(MD)No.27417 of 2023

by learned Prosecutor on instructions [instructed by
WEB COP Mr.V.Ramalingam, Deputy Superintendent of Police,
Periyakulam Sub-Division (in-charge), Periyakulam, Theni
District and Ms.M.Meenakshi, Inspector of Police,
Periyakulam Police Station, Theni District] and a scanned
reproduction of the same is as follows:

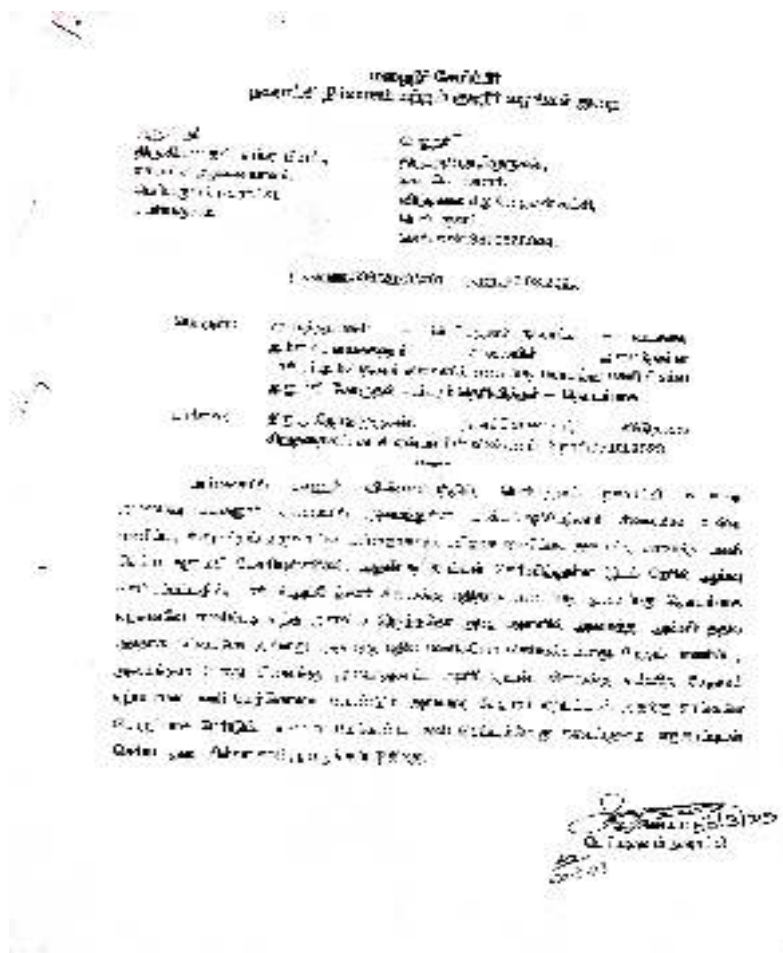




W.P(MD)No.27417 of 2023

(iv) Thereafter, on 17.03.2023 one

Thiru.Jothimurugan gave a representation seeking permission for carrying out maintenance and repair work on the metal ladder and net cover which has already been put up. Pursuant to this request, sixth respondent made proceedings dated 20.03.2023 bearing reference Na.Ka.No. 536/2023/F1 and a scanned reproduction of the same as placed before us is as follows:





WEB COPY

(v) Pursuant to aforementioned proceedings, the ladder has been repaired and a ladder now in steel (earlier it was iron) has been installed and a photograph has been placed before us by PIL petitioner and a scanned reproduction of the same is as follows:



(vi) The net cover which is there at the bottom of the statue will have to be put back so that the structure goes back to the original position as it existed in 2001;



W.P(MD)No.27417 of 2023

(vii) This Court is informed that net cover is to

ensure safety and to prevent possible undesirable activities which can lower the stature of the leader;

(viii) It is submitted that after the net cover is put up, the entire ladder and net cover structure will be as it existed in 2001 albeit in steel (it was in iron earlier).'

8.In the light of the narrative thus far, learned counsel for PIL petitioner, on instructions, submits that the aforementioned narrative adequately addresses the issue that has been raised in PIL petition and therefore, PIL petition can be closed on the basis of the narrative that has been recorded thus far.

9.Captioned WP is disposed of in the aforementioned manner. There shall be no order as to costs.

[M.S.,J.] [R.S.V.,J.]
17.11.2023

Index : Yes/No
Neutral Citation : Yes/No
ps



WEB COPY



W.P(MD)No.27417 of 2023

To

- 1.The District Collector,
Theni District.
- 2.The Superintendent of Police,
Theni District.
- 3.The Revenue Divisional Officer,
Periyakulam Taluk, Theni District.
- 4.The Deputy Superintendent of Police,
Periyakulam Taluk,
Theni District.
- 5.The Tahsildar,
Periyakulam Taluk,
Theni District.
- 6.The Commissioner,
Periyakulam Municipality,
Periyakulam,
Theni District.
- 7.The Inspector of Police,
Periyakulam Police Station,
Theni District.



WEB COPY



W.P(MD)No.27417 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

ps

W.P(MD)No.27417 of 2023

17.11.2023