



W.P(MD)No.19344 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 11.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19344 of 2020

and

W.M.P(MD)No.16152 of 2020

S.P.S.Subbas Servai Yadav

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
Kayathar Panchayat Union,
Kayathar,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the second respondent in his proceedings Thee 3/291/2019 dated 20/01/2020 and quash the same as illegal and arbitrary consequently directed the respondents to approve the Memorial Pillar of 1st Freedom fighter of



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India, Veeran Alagumuthu Kone is situated in Survey No. 41/2 and 41/2A at Kattalangulam Village, Kayathar Taluk, Thothukudi District, based on the petitioner's representation dated 18.02.2019.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

Heard both sides.

2.The petitioner wants to install memorial pillar for Veeran Alagumuthu Kone in the petition mentioned patta land. The petitioner's request was rejected by citing G.O(Ms)No.248 Rural Development Department dated 23.11.1998. Challenging the same, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned Government Advocate pointed out that in respect of the very same subject matter, the petitioner had already filed W.P(MD)No.30024 of 2023. The learned counsel for the petitioner undertakes to withdraw the said writ petition.



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4. My attention is drawn to the decision of the Hon'ble Division Bench reported in **2017 (2) CWC 114 (Vijayan Vs The District Collector, Madurai District)**. It has been held in a catena of decisions for erecting statue in one's private patta land, permission from the authorities is not required. I had also taken the very same view in W.P(MD)No.24595 of 2023 (R.Kanthavel Vs The Principal Secretary to Government & Others) dated 04.01.2024. The impugned order passed by the second respondent is set aside. It is open to the petitioner to unveil the memorial pillar. So long as the pillar is located in one's patta land, it is not open to the authorities to cause any interference.

5. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



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G.R.SWAMINATHAN, J.

MGA

To

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Thoothukudi.
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Kayathar Panchayat Union,
Kayathar,
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