



W.P(MD)No.6632 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.6632 of 2018

and

W.M.P(MD)Nos.6425 & 6426 of 2018

Ramadurai

... Petitioner

Vs

1.The Directorate of Rural Development &
Panchayat Raj,
Panagal Maligai,
4th Floor, Abdul Razzak Street,
West Saidapet,
Chennai – 600 015.

2.The District Collector,
O/o.The District Collectorate,
Tirunelveli District.

3.The Assistant Director (Panchayats),
O/o.The Assistant Director,
Tirunelveli District.

4.The Pappankulam Panchayat,
Represented by Special Officers/
Block Development Officer (Village Panchayat),
O/o.Block Development Office,
Nanguneri,
Tirunelveli District.

5.The Inspector of Police,
Vijayanagaram Police Station,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.A8/269/2018 dated 09.03.2018 on the file of the third respondent and signed by the fourth respondent and quash the same as illegal and consequently to direct the respondents to grant permission to unveil the statue of the former Chief Minister of Tamil Nadu, Mr.Kamaraj in his patta land in S.No.245/1, Kathanadappu Village, Papankulam Post, Nanguneri Taluk, Tirunelveli District within the time stipulated by this Court.

For Petitioner	: Mr.S.Rajasekar for M/s.T.Lajapathi Roy & Associates
For RR 1 to 4	: Mr.S.Shanmugavel Additional Government Pleader
For R – 5	: Mrs.M.Aasha Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed challenging the order passed by the respondents 3 and 4, dated 09.03.2018, thereby rejected the request made by the petitioner to unveil the statue of the Former Chief Minister of Tamil Nadu-Mr.Kamaraj in his patta land comprised in Survey No.245/1 situated at Kathanadappu Village, Papankulam Post, Nanguneri Taluk, Tirunelveli District.



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2.While the petitioner was the President of Papankulam Panchayat resolved unanimously to erect a statue of the Former Chief Minister of Tamil Nadu-Mr.Kamaraj in his patta land comprised in Survey No.245/1 situated at Kathanadappu Village, Papankulam Post, Nanguneri Taluk, Tirunelveli District. Therefore the petitioner submitted a representation before the second respondent seeking permission for unveiling and installation of the statue. However, it was rejected by the second respondent vide proceedings, dated 26.08.2013.

3.Aggrieved by the same, the petitioner preferred a Writ Petition before this Court in W.P(MD)No.9249 of 2015 and this Court, by order dated 13.07.2015, allowed the Writ Petition and quashed the order of rejection and remanded back to the second respondent for fresh consideration. In fact, this Court specifically directed the second respondent to consider the claim of the petitioner in the light of the Judgments of this Court and also G.O(Ms)No.140, Rural Development and Panchayats Department, dated 18.12.2009. Unfortunately, once again the respondents 3 and 4 rejected the request made by the petitioner without any



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discussion and without even complied the order passed by this Court. It is also a non-speaking order.

4.Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, would submit that law does not permit to unveiling any statue even in the private patta land. Therefore, the claim of the petitioner was rightly rejected by the respondents 3 and 4. Further, without even prior permission, the petitioner installed the statue and thereafter sought permission to unveil the same.

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

6.The claim of the petitioner was rejected on an earlier occasion by quoting the order passed by the Hon'ble Supreme of India in S.L.P(Civil)No.8519 of 2006, dated 18.01.2019 and the relevant portion of the order as follows:



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"4. Until further orders, we direct that the status-quo, as obtaining today, shall be maintained in all respects by all concerned with regard to the Triangle Island where statue of late Shri N.Sundaran Nadar has been permitted to be sanctioned. 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 beautification of the streets, highways, roads etc. and relating to public utility and facilities.

5. The above order shall also apply to all other states and union territories. The concerned Chief Secretary/Administrator shall ensure compliance of the above order."

7.Thus, it is clear that the 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. Therefore, it does not apply to installation of the statue of the Former Chief Minister of Tamil Nadu-Mr.Kamaraj in the



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private patta land of the petitioner. Further, there is no bar or ban imposed by the Government of Tamil Nadu with regard to the installation of the statue as on date in the private patta land. Further, there is no objection from any general public received so far to unveil the statue of the Former Chief Minister of Tamil Nadu- Mr.Kamaraj in the petitioner's patta land.

8.Further, this Court in the case of ***The District Collector and others Vs. N.E.Rajadudhan (W.A(MD)No.547 of 2016, dated 25.04.2016)***, referred to the order passed by this Court in ***Srivilliputhoor Saiva Vellalar Sangam Vs. The District Collector (W.P(MD)No.8935 of 2022, dated 29.08.2012,*** wherein, this Court held that in respect of unveiling the statue of V.O.C.Chidambaranar, who has rendered his life for the Independence of our Country and in the absence of any legal impediment, there is no question of preventing the petitioner from unveiling the statue in the private land. Further, observed that National leaders, who have reached their greater height have been reduced as community representatives it is rather unfortunate that the past history of such leaders is not revealed and they are identified as representatives of a particular community rather than



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being projected as National heroes, who suffered not only their lives, but also the family for the freedom of this Country.

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9. Therefore, when there is no legal impediment and there is no objection from the general public, there is no question of preventing the petitioner from unveiling the statue of the Former Chief Minister of Tamil Nadu-Mr.Kamaraj in his own patta land. Admittedly, it does not cause nuisance to any public roads, pavings, sideways or other public utility places. In view of the above, the order impugned by the respondents 3 and 4, dated 09.03.2018 cannot be sustained and the same is liable to be quashed.

10. Accordingly, this Writ Petition is allowed and the petitioner is permitted to unveil the statue of the Former Chief Minister of Tamil Nadu-Mr.Kamaraj in his patta land comprised in Survey No.245/1 situated at Kathanadappu Village, Papankulam Post, Nanguneri Taluk, Tirunelveli District. It is also made clear that the petitioner shall ensure that there would not be any law and order issue while unveiling the statue. If any untoward incident happens, the fifth respondent is at liberty to take appropriate action as against the person, who committed illegality. There shall be no



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order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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G.K.ILANTHIRAIYAN, J.

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