



W.P(MD)No.27814 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved on : 22.12.2023

Pronounced on : 08.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27814 of 2023

and

W.M.P.(MD)No.23915 of 2023

M.J.P.N.Gangadhara Pandian

... Petitioner

Vs.

- 1.The Principal Secretary,
Revenue and Disaster Management Department,
Secretariat, St. George Fort, Chennai - 600 009.
- 2.The District Collector,
Tenkasi District,
Tenkasi.
- 3.The District Revenue Officer,
Tenkasi District.
- 4.The Superintendent of Police,
Sernthamaram Police Station,
Sernthamaram,
Tenkasi - 627 857,
Tenkasi District.
- 5.The Tashildhar,
Sankarankovil Taluk,
Sankarankovil,
Tenkasi - 627 756.



W.P(MD)No.27814 of 2023

6.The Block Development Officer,
Velangulam Village Panchayat,
Sankarankovil, Tenkasi District,
Tenkasi.

7.Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tirunelveli Electricity and Distribution Circle,
Through its Superintending Engineer,
Tirunelveli District.

8.Assistant Executive Engineer,
Distribution,
TANGEDCO Sub-Station,
Kadaiyanallur Complex,
Tenkasi Main Road,
Kadaiyanallur,
Tenkasi - 627 751.

9.The Sub-Inspector of Police,
Sernthamaram Police Station,
Sernthamaram,
Tenkasi - 627 857.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission to unveil the statue of petitioner's grand father namely Sadayappa Pandian alias M.J.Pandian in the private patta land comprised in S.No.98/7 in Vellalankulam Village, Sankarankovil Taluk, by disposing petitioner's representation dated 27.10.2023.



W.P(MD)No.27814 of 2023

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.R.Baskaran,
Addl. Advocate General,
Assisted by Mr.V.Nirmal Kumar,
Govt. Advocate for R1 to R3 & R5.
Mr.A.Albert James,
Government Advocate for R4 & R9.
Mr.N.Ramesh Arumugam,
Government Advocate for R6.
Mr.S.Deenadhayalan,
Standing Counsel for R7 & R8.

ORDER

Heard both sides.

2.The petitioner wanted to unveil the statue of his grandfather in the petition mentioned land. On 01.12.2023, the following interim order was passed:-

“Heard the learned counsel appearing for the writ petitioner, the learned Additional Advocate General assisted by the learned Government Advocate appearing for the respondents 1 to 3 & 5, the learned Government Advocate appearing for the respondents 4 and 9, the learned Government Advocate appearing for the 6th respondent and the learned Standing Counsel appearing for the respondents 7 and 8.



W.P(MD)No.27814 of 2023

2.The petitioner wants to install the statue of his grandfather, namely, Sadayappa Pandian alias M.J.Pandian in Survey No.98/7 in Vellalankulam Village, Sankarankovil Taluk, Tenkasi District. According to TANGEDCO, they own the property in Survey No.98/4B.

3.The jurisdictional Tahsildar is directed to conduct survey on 04.12.2023 in the presence of the petitioner and the TANGEDCO officials and earmark the respective boundaries. Formal statue installation function can very well take place tomorrow ie., 02.12.2023. But no statue will be installed as such. The petitioner is permitted to conduct formal function tomorrow and the statue also can be unveiled. But installation and other civil works will be carried out after the survey results are informed to this Court. Survey shall be conducted on 04.12.2023.

4.Call this case on 08.12.2023 at 02.15 P.M.”

Thereafter, the statue installation function was conducted.

3.Survey has been conducted in the meanwhile. The survey result also confirms that the statue stands in S.No.98/7. Vide order dated 04.01.2024 made in W.P.(MD)No.24595 of 2023 (R.Kanthavel Vs. State of Tamil Nadu), I had held that for installing a statue in one's patta land, permission from the Government or authority is not required. The question of directing the authorities to grant permission to the petitioner therefore does not arise at all.



W.P(MD)No.27814 of 2023

4.At this stage, the learned standing counsel for TANGEDCO submitted that they have a claim on the site on which the statue has been installed. If that be so, this private dispute between the petitioner on the one hand and TANGEDCO on the other will have to be resolved in the manner known to law. I make it clear that the outcome of this writ petition will not have any bearing on the rights of TANGEDCO.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

08.01.2024

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

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To:-

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- 2.The District Collector, Tenkasi District, Tenkasi.
- 3.The District Revenue Officer, Tenkasi District.
- 4.The Superintendent of Police,
Sernthamaram Police Station,
Sernthamaram, Tenkasi - 627 857,
Tenkasi District.
- 5.The Tashildhar, Sankarankovil Taluk,
Sankarankovil, Tenkasi - 627 756.



W.P(MD)No.27814 of 2023

G.R.SWAMINATHAN, J.

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W.P(MD)No.27814 of 2023

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