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W.P.No.13995 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.13995 of 2022

N.Bashyam

.. Petitioner

VS

1. The District Collector
Mayiladuthurai District, Mayiladuthurai.
2. The Revenue Divisional Officer
Mayiladuthurai District, Mayiladuthurai.
3. The Tahsildar
Kuttalam Taluk, Mayiladuthurai District.
4. The Inspector of Police
Kuttalam Police Station
Mayiladuthurai District.
5. The President
Melaiyur Panchayat, Melaiyur
Mayiladuthurai District.

6. P.Kalyanam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of certiorari, calling for the records relating to proceedings namely Na.Ka.1610/2022/AA1 dated 09.05.2022 passed by the second respondent and to quash the same.

Page No.1 of 8



WEB COPY



W.P.No.13995 of 2022

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.G.Velu
Additional Government Pleader
for R1 to R3 & R5

Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)
for R4

Mr.S.Rajendran
for R6

ORDER

This writ petition has been filed challenging the impugned communication dated 09.05.2022 issued by the Revenue Divisional Officer to the Tahsildar, calling for the records to consider the representation received from the sixth respondent to install a statue in the name of a Former Minister of the State of Tamil Nadu.

2. Heard *Mr.C.Prabakaran*, learned counsel for the petitioner, *Mr.G.Velu*, learned Additional Government Pleader for respondents 1 to 3 and 5, *Mr.Leonard Arul Joseph Selvam*, learned Government Advocate (Crl. Side) for respondent 4 and *Mr.S.Rajendran*, learned counsel for respondent 6.

Page No.2 of 8



W.P.No.13995 of 2022

WEB COPY

3. The petitioner opposes the erection of a statue of a Former Minister of the State of Tamil Nadu. It is seen that the Grama Sabha has passed a resolution at the instance of the sixth respondent. Based on the same, a place has been chosen on the road margin to erect the statue. The Revenue Divisional Officer, through the impugned communication, directed the Tahsildar to submit a report after inspection.

4. The grievance expressed by the petitioner is that such erection of a statue in public road and road margin is not sustainable in law and that apart, it will also affect the petitioner's right of access to his property from the main road at every point along its boundary. It is under these circumstances, the present writ petition came to be filed before this Court.

5. The second respondent has filed a counter affidavit and the second respondent has taken the following stand at paragraph 17 of the counter affidavit and the same is extracted hereunder:-

Page No.3 of 8



WEB COPY



W.P.No.13995 of 2022

"17. I submit that regarding the averments in para 7 of the affidavit of the petitioner, the Writ petition filed by the petitioner is not at all maintainable either under law or on facts for the following reasons:-

(i) the land in RS.No.176 is classified as government poramboke classified as "Cart track" which is vested with the Village panchayat for maintenance and hence the petitioner has no legal right to question the survey and disposal of such land by the competent authority according to law.

(ii) the land in RSNo.176 has not been allotted so far for construction of statue and the petitioner is not affected by any means as at present.

(iii) Even if a portion of the land in RS.No.176 in triangle shape measuring 10'x 20' (200 Sq.Ft.) outside the alignment of the road on either side will not any way affect the usage of the cart track by the petitioner.

iv) The powers for granting the site for erecting Ko.Si.Mani Ex. Minister statue is vested to the State Government as per GO.Ms.No.183 Revenue Department dated 23.5.2017.

(v) The letter of the 2nd respondent dated 9.5.2022, challenged by the petitioner is Only a reference to Tahsildar Kuthalam calling for his report on the application of the 6th respondent. Such an official correspondence at the initial stage to ascertain the feasibility to consider the request of the 6th respondent cannot be challenged at the preliminary stage itself.



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W.P.No.13995 of 2022

(vi) The petitioner cannot seek for permanent injunction from the Civil Court in respect of government poramboke land."

6. It is clear from the above that the land in R.S.No.176 has not been allotted for construction of the statue. That apart, erection of a statue is also governed by the Guidelines issued by the Commissioner of Revenue Administration and District Management by the circular dated 26.03.2019. This was done based on the earlier Government Orders passed in G.O.(Ms.)No.186 dated 21.09.1998, G.O.(Rt) No.221 dated 20.11.1998 and G.O.(Ms.)No.183, dated 23.05.2017.

7. Therefore, erection of a statue is not an automatic process and it has to undergo the grind of all these Government Orders and Guidelines. In any case, since no permission has been granted for the construction of the statue in the subject property, the grievance of the petitioner is sufficiently answered.



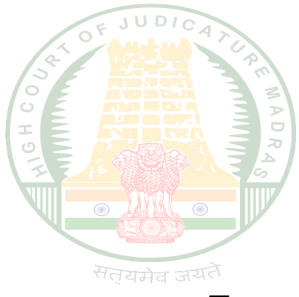
W.P.No.13995 of 2022

8. This writ petition is disposed of in the above terms. There shall be no order as to costs. Consequently, W.M.P.Nos.13246, 13249 and 13250 of 2022 are closed.

12.06.2025

Speaking Order/Non-Speaking Order.
Internet : Yes/No.
Index: Yes/No.
Neutral Citation: Yes/No

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W.P.No.13995 of 2022

WEB COPY

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W.P.No.13995 of 2022

N.ANAND VENKATESH, J.

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W.P.No.13995 of 2022

12.06.2025

Page No.8 of 8