



Writ Petition No.26205 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 31.07.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26205 of 2025

and

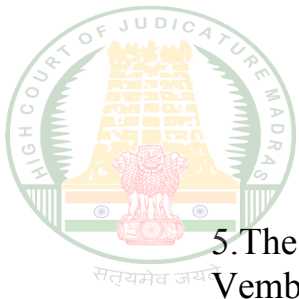
W.M.P.No.29509 of 2025

Jaganathan Ponnupillai
S/o.Ponnupillai

Petitioner

Vs

- 1.The District Collector,
Office of the Collectorate,
Tiruvannamalai District,
Tiruvannamalai - 606 604.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai - 606 604.
- 3.The Sub Collector,
Cheyyar Sub Collector's Office,
Tiruvannamalai District,
Tiruvannamalai - 604 407.
- 4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent,
Cheyyar, Tiruvannamalai District,
Tiruvannamalai - 604 407.



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5.The Tahsildar,
Vembakkam Taluk,
Office of the Vembakkam Taluk,
Tiruvannamalai District,
Tiruvannamalai - 604 410.

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records leading to the impugned notice dated 11.07.2025 bearing Reference Na.Ka.No.A/111/2025 issued by the fifth respondent and to quash the same and consequently, to direct the respondents to de-seal the statue of the freedom fighter Veeran Azhagu Muthukkone installed in the subject property more fully described in the schedule to the writ petition, owned by the petitioner, without insisting upon any approval or permission from the respondents.

For Petitioner : Mr.B.Arvind Srevatsa
For Respondent : Mr.G.Velu
Additional Government Pleader
[R1, R3 & R5]
Mr.V.Meganathan
Government Advocate [Crl.side]
[R2 & R4]

ORDER

This writ petition has been filed challenging the impugned notice dated 11.07.2025 issued by the fifth respondent and for a consequential direction to the respondents to de-seal the statue of the freedom fighter Veeran Azhagu Muthukkone installed in the subject property, which is the private property belonging to the petitioner.



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2. The case of the petitioner is that he is the absolute owner of

the subject property through a registered partition deed dated 22.10.2021.

The petitioner wanted to install the statue of freedom fighter Veeran Azhagu Muthukkone in his patta land. After the statue was installed, the revenue officials inspected the site. However, on 11.07.2025, the impugned notice was affixed on the petitioner's wall alleging that there is unauthorised installation of the statue and it will cause law and order problem. Immediately, the statue was also covered and sealed. It is under these circumstances, the present writ petition has been filed before this Court.

3. The fifth respondent has filed a counter affidavit. In the counter affidavit, the fifth respondent has stated as follows:

"6. As regards the averments in paragraph 10 to 13, it is submitted that they are denied as false and frivolous. It is submitted that 3.7.2025, an information was received that the petitioner was planning to install "Veeran Azhagu Muthukkone" statue at his residence without obtaining any permission which would lead to law and order problem. On hearing the information on 3.7.2025, this respondent along with the Revenue Inspector, Village Administrative Officer went to his house and advised the petitioner not to install the statue without getting proper permission from the Government. However on 8.7.2025 during the night hours, the petitioner installed the statue in the front portion of his house and duly covered the same with Tarpaulin sheets. Subsequently on 10.7.2025, the police authorities and as well as the Village Administrative Officer gave information that



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the unveiling of the Statue has been proposed on 11.7.2025 which will consequently trigger law and order problem in the village. Hence, on 10.7.2025 this respondent along with the Revenue Inspector and the Village Administrative Officer again visited the petitioner's house and advised him to unveil the statue after getting proper permission from the Government. Further, since there were apprehension of possible law and order problem in the village, a complaint in the matter was filed in Dusi Police Station 10.7.2025.

Subsequently, in view of the continuous adamant behaviour shown by the petitioner this respondent prepared a notice in Na.Ka.No.A1/111/2025 dated 11.7.2025 and thereby informed the petitioner that the said statue has been seized, in order to keep it in safe custody, till proper permission is obtained for the installation of the statue. On 11.7.2025, the 3rd respondent along with the police went to the village and attempted to hand over the notice to the petitioner. However, the petitioner was not available in his residence and his family member also refused to receive the said notice. While so, the petitioner along with a group of people returned to Chithalapakkam village, after participating in the "Guru Pooja", at Kanchipuram attempted to unveil the "Veeran Azhagu Muthukkone" statue. At that time the revenue and police authorities were holding talks with a group of people in the matter and while so, another group of people resorted to road roko and thereby created hindrance to the vehicular traffic in the road and in the mean time, another group garlanded the statue, by removing the Tarpaulin cover. In view of the tense situation prevailed there, police have arrested about 20 persons out of 150 male and 20 female who participated in the above incident.

In continuation of the above incident and in order to avert further incident, the petitioner himself voluntarily came forward and gave a consent letter that he would cover the statue with the Tin sheet and would unveil the statue after getting proper permission from the Government and he gave the consent letter in the presence of the witness by name 1.Thiru.Mohan S/o.Gopal and 2.Thiru.Krishnan S/o.Dayalan and 3.Thiru.Perumal S/o.Varadan who belongs to the same village. Thereafter, the statue was covered by the Tin sheet, locked and sealed by one Thiru.Manikandan S/o.Raman, a relative of the writ petitioner



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and the key was handed over to this respondent. Hence the allegation of the petitioner that the consent letter was obtained under coercion without free consent and under protest is totally false and the petitioner is put to strict proof for the same."

4. Heard Mr.B.Arvind Srevatsa, learned counsel for petitioner, Mr.G.Velu, learned Additional Government Pleader appearing for respondents 1, 3 & 5 and Mr.V.Meganathan, learned Government Advocate [Crl.side] appearing for respondents 2 and 4.

5. The short issue that arises for consideration in the present case is as to whether the petitioner is required to get permission of the authorities in order to erect a statue in his private patta land. The issue is no longer *res integra* and it is squarely covered by the earlier order passed by this Court in ***Vijayan v. District Collector [2017 (5) MLJ 641 (DB)]***.

6. The above judgment was taken into consideration by this Court in W.P.(MD) No.20264 of 2023 dated 13.11.2024 and the relevant portions are extracted hereunder:

"9. The issue of whether the State could prevent the erection of statues on private property has come up before this Court on several occasions. In ***Maniyarasan v. State***, reported in



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2011 (1) CWC 379, it was held that the State cannot prevent a political party from installing a bust-size statue of a person who in their esteem is a Martyr, in its private land. The same view is reiterated in ***Vijayan v. District Collector***, reported in **2017 (5) MLJ 641 (DB)**, and more recently by N.Seshasayee, J., in ***Tamil Nadu Yadava Mahasabai vs State, (WP 23485 of 2023)***, where the learned judge declared:

“Right to property is a Constitutional right, and it cannot be interfered with except as per a fair procedure established by law. No legislature or the executive can arrogate to themselves any power to interfere with the private life of a citizen. A citizen has every right to use his property subject only to any objectual regulation. Directing a citizen not to erect a statue as a mark of respect for a freedom fighter in his property involves both a right to faith and right to privacy, both of which are fundamental rights now recognised under the Constitution.”

10. These decisions appear to have little or no effect in permeating the obstinate hide of the State and its officials. Nevertheless, the callousness of the State must not dampen the vigil of the Court. Justice William O' Douglas once remarked that ***“as nightfall does not come at once, neither does oppression. In both instances, there is a twilight when everything remains seemingly unchanged. And it is in such twilight that we all must be most aware of change in the air – however slight – lest we become unwitting victims of the darkness.”*** Twilight now hovers in the air, and if the Court does not perform its constitutional duty as a sentinel on the *qui vive*, there is a great danger that a citizen's precious right of enjoyment of private property would be imperilled.

11. Long before the advent of the Constitution, the sanctity of a person's private property was recognised by Lord Camden, CJ in ***Entick v. Carrington, (1765) 19 St Tr 1029 : 95 ER 807***. Entick's house had been forcibly entered into by agents of the King. The Chief Justice declared:

“By the laws of England, every invasion of private property, be it ever so minutes, is a trespass.”



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12. Justice Bradely said much the same thing in ***Boyd v. United States***, reported in ***1886 SCC OnLine US SC 58***, when he observed:

“The principles laid down in this opinion affect the very essence of constitutional liberty and security.

... they apply to all invasions on the part of the Government and its employees of the sanctity of a man's home and the privacies of life. It is not the breaking of his doors and the rummaging of his drawers that constitutes the essence of the offence; but it is the invasion of his indefeasible right of personal security, personal liberty, and private property ... it is the invasion of this sacred right. ...”

13. The position is no different here in India where the right to property, apart from being a constitutional right under Article 300-A has been held to be a human right under Article 21 (vide ***B.K Ravichandra v. Union of India, 2021 14 SCC 703***).

14. That apart, the right of privacy and its exercise in the private space of one's home has been held to be a fundamental right under Article 21 in ***K.S.Puttaswamy (Privacy-9J.) v. Union of India, (2017) 10 SCC 1***. In his concurring opinion Justice R.F Nariman observed that the expression “liberty” in the Preamble is of thought, expression, belief, faith and worship. He quoted with approval the following passage from J.S.Mill's treatise on “Liberty”:

“Liberty consists in being able to do anything that does not harm others; thus, the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by law.”

15. The Supreme Court declared that the privacy of choice is directly protected by Articles 19(1)(a) to (c) and 21. Consequently, the authority of the State must normally end where the boundaries of the private property starts. Right to property is a constitutional right, and it cannot be interfered with except as per fair procedure established by law. No legislature or the executive should arrogate to themselves any power to interfere with the private affairs of a citizen of an association. It is not the business



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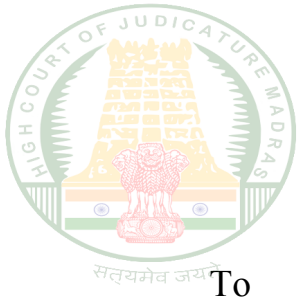
of the State and its officers to control or regulate the affairs inside the private space of a citizen. Such a course is constitutionally forbidden.”

7. The above judgment squarely covers the issue involved in this case. The petitioner erected a statue in his private property and it is the private affairs of a citizen or an association. It is not the business of the State or its officers to control or regulate the affairs inside the private space of a citizen. Such a course is constitutionally forbidden. In view of the above, the impugned notice issued by the fifth respondent dated 11.07.2025 is quashed and there shall be a direction to the respondents to de-seal the statue of the freedom fighter installed in the petitioner's property and to permit the petitioner to have the statue inside his private land.

In the result, this writ petition is allowed with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

31.07.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

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