

(2012) 08 MAD CK 0027

In the Madras High Court

Case No : Writ Petition (MD) No. 8935 of 2012 and M.P. (MD) No. 1 of 2012

Srivilliputhoor Saiva Vellalar Sangam

APPELLANT

Vs

The District Collector, Virudhunagar, Virudhunagar District
and Others

RESPONDENT

Date of Decision : 29-08-2012

Acts Referred:

Citation : (2012) 08 MAD CK 0027

Hon'ble Judges : K. Chandru, J

Bench : Single Bench

Advocate : G. Chandrasekar, for the Appellant; M. Murugan, Govt. Advocate, for the Respondent

Judgement

Honourable Mr. Justice K. Chandru

1. In this Writ Petition, the petitioner Srivilliputhoor Saiva Vellalar Sangam, represented by its President. The Writ Petition is for a direction to the

respondents from interfering with the function relating to the unveiling of the statue of V.O.Chidambaram installed in the place of No. 13-A,

Madavar Valagam Agraharam, Srivilliputhur belongs to the petitioner/Sangam. The Writ Petition when it came up on 03.07.2012, notice was

directed to be taken by the Special Government Pleader on behalf of the respondents and he is directed to get instructions from the respondents.

2. On behalf of the Tahsildar, Srivilliputhur, Virudhunagar District, a counter affidavit has been filed on 22.07.2012. In the counter affidavit filed, it

was stated that the building located in Door No. 13-A, Madavar Valagam Agraharam, Srivilliputhur Town belongs to Srivilliputhur Town Saiva

Vellar Sangam and they have installed the statue of Freedom Fighter V.O.Chidambaram and it is only made of stone. The statue has been installed

before the Office room within the premises of the building prior to one year without getting government permission on 14.04.2012. But coming to

know that the petitioner and their community people were programmed to conduct unveiling ceremony on 15.04.2012 and since they have not

obtained any permission from the Government, a Peace Committee Meeting was conducted by the Revenue Divisional Officer, Sivakasi on

14.04.2012 at Taluk Office, Srivilliputhur. The President, Secretary and three members of the Petitioner/Association participated in the Peace

Committee meeting and they consented to get government permission before unveiling the statue. The Srivilliputhur Municipal Council has also

passed a resolution, dated 30.4.2012 in favour of the petitioner/Sangam to install bronze statute after getting permission from the Government.

However, the petitioner installed stone statue without getting permission. The State Government as per G.O.(Per) No. 221, Rural Development

Department, give instructions regarding erection of statue, Memorial Pillar, Memorial Hall or Memorial Arch, the concerned person who desires

these item of work they should permission of the Government and since the petitioner has not followed the procedure, the Writ Petition is not

maintainable.

3. However, the learned counsel for the petitioner placed reliance upon the judgment of this Court in P.Maniyarasan.vs. The Government of Tamil

Nadu reported in 2011(1) CWC 379, this Court after reviewing the orders of the Government as well as the judgement passed by this Court in

T.Amirthalintam.vs. State, represented by its Secretary, Department of Home, Chennai and others reported in 2010(2) MLJ 1022 has observed

that there is no authority for the Government to prevent the persons installing statue in a private land which according to the persons who believe in

the greatness of their individuals. Further is to the nature of statue to be held, this Court is of the view that there is no impediment for a person to

install a statue depending upon their wishes whether the statue should be made of clay or wood or stone or metal as the case may be, the State

cannot interfere with the same. At this juncture, the learned counsel for the petitioner also produced a copy of the D.O Letter of the Principal

Secretary to Government of Tamil Nadu, Chennai addressed to the District Collector, Virudhunagar District, dated 12.08.2008. In that case,

relating to installation of the statue of Pasumpon Muthuramalinga Thevar at Rajapalayam. In that case, the State Government had stated that for unveiling statue, there is no requirement of the State Government's permission and if any statues are installed, appropriate steps should be taken to protect the same from being damaged by anti-social elements. There should not be any room for law and order problem. From this, it is made clear that for installation of the statue of V.O. Chidambaram Pillai, who has rendered his life for the independence of this country and in the absence of any legal impediment, there is no question of preventing the petitioner Sangam from unveiling the statue on their own association compound.

4. In view of the stand taken by the respondents, since it is a stone statue, there is no need for Government permission and obtaining of

Government permission does not give any legal problem in unveiling the statue of V.O. Chidambaram Pillai. The Writ Petition is allowed and the

petitioners are directed to unveil the statue in their Association Compound. But before parting with the Writ Petition, this Court bound to observe

that national leaders who have reached a greater height have been reduced as community representatives it is rather unfortunate that the past

history of such leaders are not revealed and they are identified as a representative of a particular community rather than being projected as a

national heroes who suffered not only their live but also their family for the freedom of this Country. Consequently, connected Miscellaneous

Petition is closed. No costs.