

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

Wednesday, the Twenty Second day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE M.SATHYANARAYANAN

and

THE HON`BLE MRS JUSTICE R. HEMALATHA

WP.No.194 of 2020

and WMP.No.223 & 225 of 2020

MADURAI MAVATTA DEVENDRA KUL [PETITIONER IN ALL THE
A VELLALAR, URAVINMURAI SANGAM, PETITIONS]
REP. BY ITS PRESIDENT K.C.SELVAKUMAR,
NORTH STREET, MANAGIRI, MADURAI-20

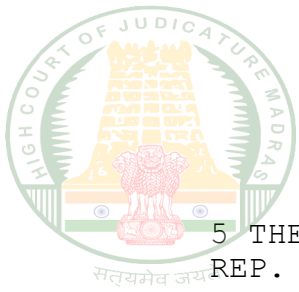
Vs

1 THE GOVERNMENT OF TAMIL NADU [RESPONDENTS IN ALL THE
REP. BY ITS ADDITIONAL CHIEF SERCRETARY, PETITIONS]
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
FORT SAINT GEORGE, CHENNAI-9

2 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS PRINCIPAL SERCRETARY, HOME
DEPARTMENT, FORT SAINT GEORGE, CHENNAI-9

3 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SERCRETARY, HIGHWAYS DEPARTMENT,
FORT SAINT GEORGE, CHENNAI-9

4 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS SERCRETARY, MUNICIPAL
ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
FORT SAINT GEORGE, CHENNAI-9



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5 THE GOVERNMENT OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY,
INFORMATION AND PUBLICITY DEPARTMENT, FORT
SAINT GEORGE, CHENNAI-9

6 THE DISTRICT COLLECTOR
MADURAI DISTRICT, MADURAI-625 020

7 THE REVENUE DIVISIONAL OFFICER,
MADURAI REVENUE DIVISION, MADURAI-625 020

8 THE REVENUE TAHSILDAR
MADURAI SOUTH TALUK, MADURAI-625 020.

9 THE COMMISSIONER
MUNICIPAL CORPORATION OF MADURAI, MADURAI

10 THE DIVISIONAL ENGINEER OF H
IGHWAYS, MADURAI DIVISION, MADURAI

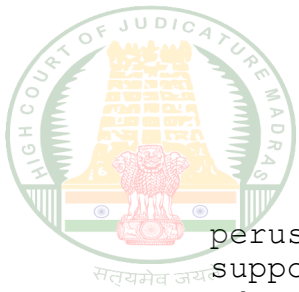
11 THE COMMISSIONER OF POLICE
MADURAI CITY, MADURAI

Writ Petitions and writ miscellaneous petition filed under Article 226 of the Constitution of India praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(i) issue a writ or order or direction or in the nature of writ of certiorarified mandamus, calling for the records pertaining to the Government Order in GO Ms.No.213 dated 4.7.2019 passed by the 1st respondent and quash the same and consequently direct the 1st respondent to grant permission to the petitioner association to install the statue of Maveeran Sundaralinganar in the place located by the petitioner association as per the direction given in WP No.29958 of 2014 dated 8.1.2019 passed by this Honourable Court (in WP.No.194/2020) and

(ii) pass an order of interim direction, directing the respondents herein to remove the statue of the political leader of A.I.A.D.M.K Party and the former Chief Minister of Tamil Nadu J.Jeyalalitha erected near the statue of Dr.M.G.R. in the tirangular place connecting flower, vegetable and fruit markets road nearby District Court Campus, Madurai,

(iii) pass an order of interim direction, directing the respondents herein to remove the statue of the community leader Pasumpon Muthuramalinga Thever erected in the road junction near Madurai Government Rajaji Hospital at Goriplayam in Madurai,



Order : These petitions coming on this day for hearing upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.K.KANNAN, Advocate for the petitioner in both the petitions, and of MR.S.R.RAJAGOPAL, Additional Advocate General for the respondent in both the petitions the Court made the following order:-

(Order of the Court was made by M.SATHYANARAYANAN, J.)

This Court, in continuation and in conjunction with the earlier order dated 20.1.2020, is passing the following order:-

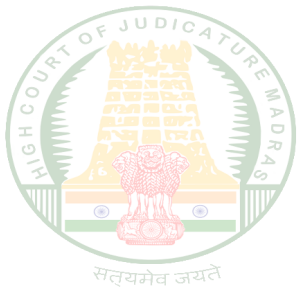
2. Learned counsel for the petitioner would submit that the reasons assigned in the impugned order are not sustainable and/or not to be accepted, as equally two other statues put up in the same place also need to be removed and prays for appropriate directions.

3. Mr.S.R.Rajagopal, learned Additional Advocate General appearing for the official respondents has invited the attention of this Court to the order dated 31.1.2018 vide S.L.P.(C) Nos.8519 of 2006 along with the connected petitions - *Union of India and another v. State of Gujarat and others* and would submit that the matter pertains to installation of statues, existence of religious structures on public streets/public parks etc., and seeks time to file counter affidavit with supporting documents in the matter.

4. This Court has considered the rival submissions and also perused the materials placed. It is relevant to extract the order dated 16.2.2010 passed by the Hon'ble Supreme Court of India referred to in the above cited order, as follows:-

"In pursuance of the order of this Court dated 29th September, 2009, by which this Court directed that henceforth no unauthorised construction shall be carried out or permitted in the name of Temple, Church, Mosque or Gurudwara etc., on public streets, public parks or other public places, the affidavits of all the States and the Union Territories, except the State of Uttarakhand, have been filed. All the States and the Union Territories have taken necessary steps to ensure that no further unauthorised construction shall take place and Court's directions are seriously and meticulously complied with.

The other part of the directions issued on 29th September, 2009, were that in respect of unauthorised construction of religious nature which has already taken place on public streets, public parks or other public places,



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the State Governments and the Union Territories were directed to review the same on case to case basis and take appropriate steps as expeditiously as possible. We do not find comprehensive and satisfactory affidavits as far as this direction of the order is concerned. Therefore, it has become imperative to direct all the States and the Union Territories to formulate comprehensive policy regarding the removal/ relocation/ regularisation of the unauthorised construction within six weeks' from today. The policy should clearly indicate within what period the States and the Union Territories are going to fully comply with its policy to remove/relocate/ regularise the unauthorised construction.

We also direct all the States and the Union Territories to identify unauthorised construction of religious nature on public streets, public parks and public places within six weeks' from today.

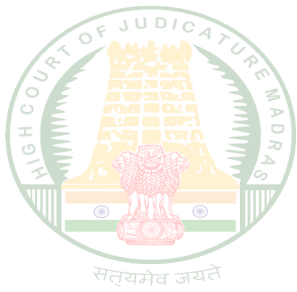
We direct the Chief Secretary of the State of Uttarakhand to file an affidavit within two weeks from today. In case the affidavit is not filed, the Chief Secretary shall remain present in Court on the next date of hearing.

We also direct all the Chief Secretaries of the States and the Administrators of the Union Territories to file further comprehensive affidavits within six weeks' from today.

The Special leave petition is adjourned to 6th April, 2010."

5. The order dated 31.1.2018 also further says that as to the implementation of the directions issued by the Hon'ble Supreme Court of India, as per the consensus arrived at Bar, the implementation of the order should be supervised by the concerned High Courts and accordingly, remitted the matters to the respective High Courts for ensuring implementation of the order in an effective manner. At the same time, the Hon'ble Supreme Court has retained the said matters on its file also.

6. In the light of the above cited order, status report shall be filed by the Chief Secretary to Government of Tamil Nadu as to the compliance of the above cited directions issued in the order dated 31.1.2018 in S.L.P.(C) Nos.8519 of 2006 etc., by the end of February, 2020.



7. Call on 02.03.2020.

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22/01/2020

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Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL CHIEF
SECRETARY, THE GOVERNMENT OF TAMIL NADU,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
FORT SAINT GEORGE, CHENNAI-9

2 THE PRINCIPAL SECRETARY,
THE GOVERNMENT OF TAMIL NADU HOME
DEPARTMENT, FORT SAINT GEORGE, CHENNAI-9

3 THE SECRETARY,
THE GOVERNMENT OF TAMIL NADU, HIGHWAYS
DEPARTMENT, FORT SAINT GEORGE, CHENNAI-9

4 THE SECRETARY,
THE GOVERNMENT OF TAMIL NADU, MUNICIPAL
ADMINISTRATION AND WATER SUPPLY DEPARTMENT,
FORT SAINT GEORGE, CHENNAI-9

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THE GOVERNMENT OF TAMIL NADU, INFORMATION
AND PUBLICITY DEPARTMENT, FORT SAINT GEORGE,
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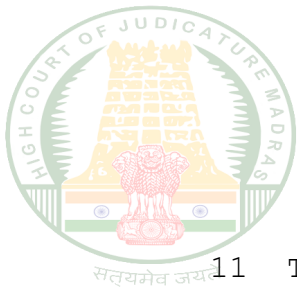
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11 THE COMMISSIONER OF POLICE
MADURAI CITY, MADURAI.

12 THE CHIEF SECRETARY TO GOVERNMENT,
THE GOVERNMENT OF TAMIL NADU
FORT SAINT GEORGE, CHENNAI-9

C.C. to M/S.K.KANNAN Advocate on payment of necessary charges

Order

in

WP.No.194 of 2020

and WMP.No.223 & 225 of 2020

Date :22/01/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
KP(21/01/2020)
KP(28/01/2020)