

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-03-2026

CORAM

THE HON'BLE Dr JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WP No. 194 of 2020

and

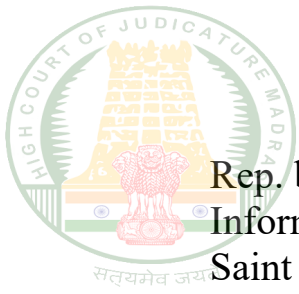
W.M.P.Nos.223 and 225 of 2020

Madurai Mavatta Devendra Kula Vellalar
Uravinmurai Sangam, rep. by its President
K.C.Selvakumar,
North Street, Managiri,
Madurai-20

..Petitioner(s)

Vs

1. The Government of Tamil Nadu
Rep. by its Additional Chief Secretary,
Revenue and Disaster Management
Department, Fort Saint George, Chennai-9
2. The Government of Tamil Nadu
Rep. by its Principal Secretary, Home
Department, Fort Saint George, Chennai-9
3. The Government of Tamil Nadu
Rep. by its Secretary, Highways
Department, Fort Saint George, Chennai-9
4. The Government of Tamil Nadu
Rep. by its Secretary,
Municipal Administration and Water Supply
Department, Fort Saint George, Chennai-9
5. The Government of Tamil Nadu



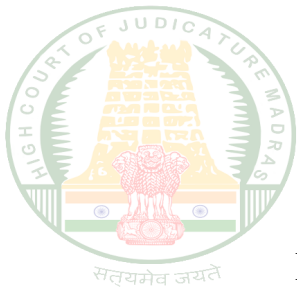
Rep. by its Principal Secretary,
Information and Publicity Department, Fort
Saint George, Chennai-9

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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 Highways
Madurai Division, Madurai
11. The Commissioner of Police
Madurai City, Madurai

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, to call 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's Association to install the statue of Maveeran Sundaralinganar in the place located by the petitioner's Association as per the direction given in WP No.29958 of 2014 dated 8.1.2019 passed by this Court



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For Petitioner(s):

M/s.K.Kannan
M.Sarfudeen Ali Ahamed
S.Shakila Bhanu

For Respondent(s):

Mr.Haja Nazirudeen, Addl. Advocate General
assisted by Mr.P.Ananda Kumar
for RR-1 to 8 and 10 and 11

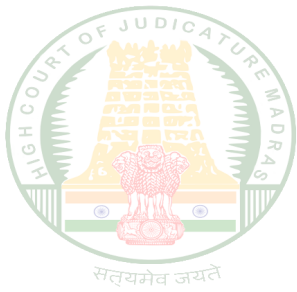
Mr.Abhinav Parthasarathy for R-9

ORDER

(Order of the Court was made by Dr.G.Jayachandran J.)

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Government Order in G.O.Ms.No.213, dated 04.07.2019 passed by the first respondent (Revenue and Disaster Management Department) and quash the same and consequently direct the first respondent to grant permission to the petitioner-Association to install the statue of “Maveeran Sundaralinganar” in the place identified by the petitioner-Association. In connection with the said prayer, earlier, this Court, by order dated 08.01.2019 observed as follows in W.P.No.29958 of 2019:

“This writ petition has been filed



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challenging the order of the first respondent by which the request made for the erection of the statue of freedom fighter, Maveern Sundaralinganar was declined.

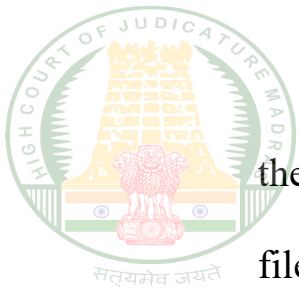
2. When the matter is taken up for hearing today, learned Additional Advocate General appearing for the Corporation of Madurai has submitted that the resolution made on 21.02.2011 still holds good. Therefore, statue can be erected as suggested in the resolution No.1027 , dated 09.02.2011 in the specified place at the rountana.

3. In view of the above, without going into the merits of the case, the fifth respondent is directed to permit the petitioner to have the statue erected in tune with the resolution No.1027 of the Corporation of Madurai.

4. Accordingly, this writ petition stands disposed of. However, the petitioner is permitted to make an application in tune with the above resolution within four weeks from the date of receipt of a copy of this order. On receipt of the same, appropriate permission will have to be accorded by the fifth respondent within six weeks thereafter. Consequently, connected M.P.No.1 of 2014 and M.P.No.1 of 2015 are closed.”

2 .Thereafter, the present writ petition W.P.No.194 of 2020 is filed before this Court as against the rejection of the erection of the statue by the concerned authority.

3. As stated above in the earlier round of litigation, aggrieved by

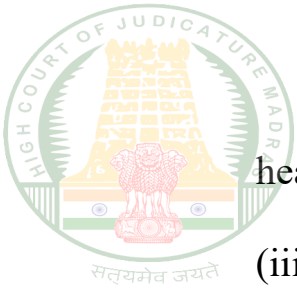


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the rejection order for installation of the statue, the petitioner has filed a Writ Petition in W.P.No.29958 of 2014 seeking Mandamus to direct the Government to grant permission for installation of the statue of Sundaralinganaar. As against the rejection order of the respondent/Department, the petitioner's grievance was considered by this Court and without going into the merits of the matter, this Court had directed the authorities to consider the request, pursuant to the passing of the Resolution by the Corporation of Madurai. Thereafter, application has been submitted by the present writ petitioner along with the copy of the Resolution passed by the Madurai Corporation, however, the same was considered and rejected by the authorities citing the judgment of the Honourable Supreme Court in S.L.P.(C).No.8519 of 2006 and other reasons.

4. The request of the petitioner was rejected for the following reasons:

- (i) The proposed place falls under banned category of places specified by the Honourable Supreme Court of India in S.L.P.(C).No.8519 of 2006;
- (ii) Three number of statues in one junction makes the junction



heavily congested;

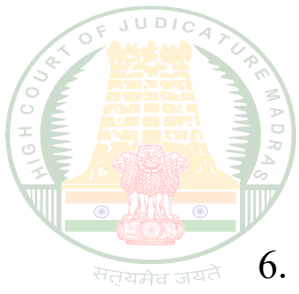
(iii) The installation of Maaveeran Sundaralinganar statue at a busy triangular road junction connecting flower, vegetable and fruit markets, Mattuthavani MGR Bus stand and Omni bus stand will cause additional hindrance to the movement of vehicles and pedestrians;

(iv) If the statues are installed at the junctions, the breadth of the road will become narrow, and view of the road becomes hindered, thereby road accidents happen and

(v) If the statue of community and political leaders are installed, the entire city traffic comes to a grinding halt and the general public are facing many hardship during celebrations.

Being aggrieved, the present Writ Petition is filed for the relief stated supra.

5. The said G.O.Ms.No.213 was sought to be quashed on the ground that the respondents, having permitted to install the statues of former Chief Ministers MGR, J.Jayalalitha and M.Karunanidhi., The respondents have singled out the request of the petitioner for declining the permission to install the statue.



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6. Moreover, the order of the Hon'ble Apex Court in S.L.P. (C).No.8519 of 2006, is not applicable to the facts of the present case on hand. If it is applicable, then the authorities ought not to have granted permission for erection of the statue of former Chief Ministers, namely J.Jayalalitha and M.Karunanidhi.

7. Learned counsel for the Corporation of Madurai submitted that the triangular island upon which the petitioner herein proposes to install the statue of "Maaveeran Sundaralinganaar", falls within the jurisdiction of the Highways Department and therefore, the Corporation of Madurai has no authority to grant permission. Hence, the Resolution by Corporation has no legal enforceability.

8. Further-more, the Government had applied its mind and found that in consonance with the direction of the Hon'ble Apex Court, no statue or construction of any kind, shall affect the public right of passage in the Highways Department, the permission to erect a statue was declined.



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9. Following the above dictum of the Honourable Supreme Court, the Government had declined permission to erect the statue of the said Maaveeran Sundaralinganar and hence, the impugned G.O.Ms.No.213, dated 04.07.2019 of the Revenue and Disaster Management Department, is valid and legally sustainable.

10. Learned counsel for the petitioner-Sangam repeatedly reiterated that there must be parity while deciding the request for erection of the statue in the public place. There cannot be any biased approach by the authorities. What is applicable to the other statues mentioned above, equally applies to the statue of “Maaveeran Sundaralinganaar” also and therefore, the stand of the Government is nothing but biased attitude and liable to be interfered with.

11. We have given our anxious consideration to the submissions made on both sides and perused the materials available on record.

12. The impugned G.O.Ms.No.213 is passed based on the dictum laid down by the Supreme Court in the case of Union of India and



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another Vs. State of Gujarat and others) in S.L.P.(C).No.8519 of 2006 etc. batch, dated 31.01.2018 and also considering the site upon which the petitioner herein has sought permission for erection of the statue. More particularly, the request had been rejected on the ground that the three statues will make the junction heavily congested due to traffic, and the proposal to widen the Periyar Madurai Arch at K.K.Nagar entrance or shifting to near-by place with the length of 30 meters away, under consideration by the Government as reasons for not granting permission to erect the statue.

13. Therefore, we find that the plea of the petitioner herein contending that the order of rejection bristles with bias, does not augur well. On the given facts, the present request of the petitioner had been rejected, which is in tune with the direction of the Honourable Supreme Court.

14. After the judgment of the Honourable Supreme Court, there cannot be any erection of any statue or construction in the junction, causing hindrance to the movement of vehicles and



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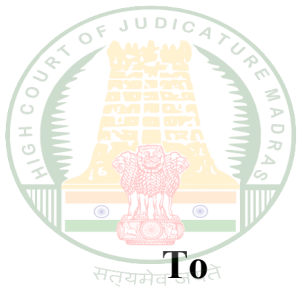
passers-by. Only in rare and exceptional circumstances, recording the reasons, the permission shall be granted. In the case on hand, the rejection order is with reasons, which is sound and unassailable. Hence, we find no merits to the challenge of G.O.Ms.No.213 dated 04.07.2019.

15. It is open to the writ petitioner-Sangam to choose any other alternative place for erection of statue of “Maaveeran Sundaralinganar” and if that place is not prohibiting any traffic and if found fit for installing the statue, without causing hindrance to the public, the same may be considered by the Governmental authorities in accordance with law and also following the dictum of the Supreme Court.

16. With the above observations/direction, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, the miscellaneous petitions are closed.

(G.J.,J.) (S.S.A.,J.)
11-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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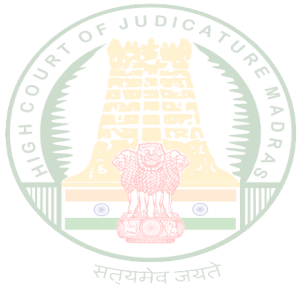
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**DR.G.JAYACHANDRAN, J
AND
SHAMIM AHMED, J**

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