**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 28.02.2025****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****AND****THE HON'BLE MR.JUSTICE M.JOTHIRAMAN****W.A.(MD)No.1386 of 2022 AND****C.M.P.(MD)No.11003 of 2022**

Balasubramani,  
S/o.Govindan,  
President,  
Dvendra Kula Vellalar Uravin Murai,  
Amaichiyarpatti,  
Mamsapuram,  
Srivilliputhur Taluk,  
Virudhunagar District.

... Petitioner / Appellant

Vs.

1. The District Collector,  
Virudhunagar District,  
Virudhunagar.
2. The Revenue Divisional Officer,  
Sivakasi,  
Virudhunagar District.
3. The Tahsildar,  
Srivilliputhur Taluk,  
Virudhundagar District.
4. The Superintendent of Police,  
Virudhunagar,  
Virudhunagar District.
5. The Deputy Superintendent of Police,  
Srivilliputhur,  
Virudhunagar District.



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6. The Sub Inspector of Police,  
Mamsapuram police station,  
Virudhunagar District.

7. The Executive Officer,  
Mamsapuram Town Panchayat,  
Srivilliputhur Taluk,  
Virudhunagar District.

... Respondents

**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent, to  
allow the Writ Appeal and set aside the order passed in W.P.(MD)  
No.22120 of 2022 dated 08.11.2022 on the file of this Court.

For Appellant : Mr.G.Thalaimutharasu,  
for Mr.B.Satheesh Kumar.

For R-1 to R-3 : Mr.K.Balasubramani,  
Special Government Pleader.

For R-4 to R-6 : Mr.A.Albert James,  
Government Advocate.

\* \* \*

### **J U D G M E N T**

**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

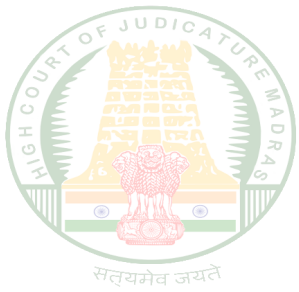
The only question that calls for determination is whether  
permission from the authorities has to be obtained for installing  
statues in one's patta land.

2. The petitioner wants to erect a bronze statue for Thiagi  
Immanuel Sekaran at Amaichiyarpatti Village. According to the



petitioner, a clay statue was there originally and that they only want to replace the same. The learned Special Government Pleader would however contest this statement and point out that the clay statue was in some other place and that without any prior permission, a bronze statue has now been installed. Since the authorities had declined permission to install the statue, the appellant filed W.P.(MD)No. 22120 of 2022. The appellant did not get relief in the writ petition. The learned single Judge was of the view that in view of the G.O. (Ms)No.183 Revenue Department dated 23.05.2017, without permission from the authorities concerned, the statue cannot be installed. Aggrieved by the said decision, the present appeal has been filed.

3. The learned Special Government Pleader as well as the learned Additional Government Pleader would point out that installation of the statue as requested by the appellant would lead to serious law and order problems. They point out that in the year 1997, the place witnessed as many as five murders. They called upon this Court to sustain the order of the learned single Judge and dismiss the appeal.



4. In our view, the issue has to be approached from a different perspective altogether. The question is whether the appellant has any legal right as such. If the appellant is legally entitled, he cannot be restrained from exercising his right by citing law and order problems. One of us sitting singly vide order dated **04.01.2024 in W.P.(MD)No. 24595 of 2023 (R.Kanthavel V. State of Tamil Nadu)** had dealt with the issue in the following terms:-

“ 4. ... What does the petitioner want? He wants to install the statue of a highly revered freedom fighter and leader in a community hall built on a patta land. Does he require prior permission from the government or any other statutory authority?. The issue is no longer res integra. The answer is that to erect a statue such as the one on hand on a patta land, permission from the authorities is not required. This is because there is no statute governing the subject matter. A patta holder has certain rights over his land. Just as one's home is his castle, one's land is his fiefdom. The State can step in only by due process of law. A statutory or common law right cannot be restricted or taken away through executive instructions or government orders. Only a statute that is not ultra vires the Constitution can impinge on such rights. For instance, if one wants to put up a



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religious structure for public worship, then, prior permission from the District Collector would be required. Since there is no such statutory provision or Rule regarding installation of statues, the right of an individual to erect a statue in honour of a person whom he reveres cannot be stifled or interfered with.

5.It is true that G.Os were issued from time to time framing guidelines in this regard. They have been considered in many a case. ... A learned Judge of this Court vide order dated **14.08.2023** in ***W.P.No. 23485 of 2023 (Tamil Nadu Yadava Mahasabai Kancheepuram District Rep by its District Secretary Vs. District Collector)*** held as follows:

“7.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.

8.The authority of the State therefore, commences where the boundaries of the private



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property ends. To state it differently, no State has any right to interfere with the private life of a citizen and his right to erect any statue within the private premises. It is plainly not the business of the State and its instrumentalities. The State does not have the authority to peep into the private affairs of the citizens through which they give expression to the exercise of their fundamental and constitutional rights.

9.1 This Court has least hesitation in holding that the respondents have exceeded their authority in entering a private property without authority and covering the statue in question when the regulation regarding erection of statue is limited to only public places. The respondents have terribly misunderstood the G.O.(Ms) No.183. Indeed, this Court even doubts if ever the legislature or the executive can ever make a law or an executive order for restraining the citizen from erecting statues when they are done consistent with his right to faith within his private property.”

6.Vide order dated **29.08.2012** in **W.P.(MD)No. 8935 of 2012 (Srivilliputhoor Saiva Vellalar Sangam Vs. District Collector)**, a learned Judge of this Court held as follows:

“4..... the learned counsel for the petitioner placed reliance upon the judgment of this Court in



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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 as to the nature of statue to be installed, 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, 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



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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.”

7. It is also relevant refer to the order dated **10.01.2017** in ***W.P.No. 43657 of 2016 (V.R.Vengan Vs. State represented by Secretary Department of Home Secretariat, Fort St. George Chennai)***. The petitioner wanted to install the full size bronze statue of Shri.E.V.Ramasamy in his private land. It was held that it is not open to the Government to prevent an individual from installing the statue of a person esteemed by him in his private land. Vide order dated **13.07.2015** in ***W.P.No.9249 of 2015 (Ramadurai Vs. District Collector)***, a learned Judge of this Court held that in regard to installation of statues, there is no ban for installing the statues in the private patta lands. Of course, in some of the orders, there has been direction to the authorities after clarifying the law to consider and pass orders. In my view, when once it has been





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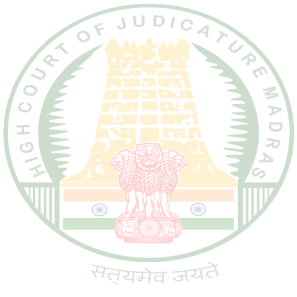
concluded that there is no ban and permission from the authorities is not required, there is no need to once again call upon the petitioner to go before the authority and obtain permission. That would be a contradiction in terms. ...”

5. After a careful consideration of G.O.(Ms)No.183 Revenue Department dated 23.05.2017, we are of the view that it applies only to public places and not to patta lands. It is, of course, open to the Government to bring in a law regulating erection of statues even in private places. But then, so long as such a law has not been enacted, by issuing circulars and Government Orders, the right of an individual to put up a statue in one's patta land cannot be taken away.

6. In this view of the matter, the impugned order is set aside. This writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.SWAMINATHAN, J.) & (M.JOTHIRAMAN, J.)**  
**28<sup>th</sup> February 2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
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**To:**

1. The District Collector,  
Virudhunagar District,  
Virudhunagar.
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W.A.(MD)NO.1386 OF 2022

**G.R.SWAMINATHAN,J.**

**AND**

**M.JOTHIRAMAN, J.**

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28.02.2025