

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION No.27036 OF 2022

JUDGMENT:

Heard Sri Narra Srinivasa Rao, learned counsel for the petitioner, learned Government Pleader for the Municipal Administration and Urban Development Authority, learned Government Pleader for Revenue for the respondent 2 to 4 and Sri G. Naresh Kumar, learned standing counsel for the 5th respondent Narasaraopeta Municipality.

2. This writ petition is filed under Article 226 of the Constitution of India has been filed for the following reliefs:

“.....declaring the action on the part of the respondents herein in granting permission to the installation of statute of Dr. Y.S. Rajasekhara Reddy in Mayuri Centre located near bus standing of Narasaraopet of Palnadu District even though there is a specific order by the Hon'ble Supreme Court of India not to grant any permission for installation of any statute or construction of any structure in public roads, pavements, sideways and other public utility places in I.A.No.10 of 2012 in S.L.P.(c) No.8519 of 2006 dated 18.01.2013 as illegal, arbitrary.”

3. Learned counsel for the petitioner submits that the petitioner is questioning the action on the part of the respondents in giving permissions for erection of Dr. Y.S.R. Rajasekhar Reddy statute in Mayuri Centre located near bus stand of Narasaraopet of Palnadu District, in which there are about ten structures also erected without having any permissions from the respondent-authorities contrary to the orders of the Hon'ble Apex Court in Special Leave to Appeal (C) No(s) 8519/2006 dated 18.01.2013 passed in I.A.No.10 of 2012.

4. He further submits that on 17.08.2022 at Mayuri Centre located near bus stand of Narasaraopet of Palnadu District which is very busy area with people and traffic, bhoomipooja has been

done for erection of statue of Dr. Y.S. Rajasekhar Reddy by removing the signal lights for installation of the statue in the public street, against which when the petitioner approached the 5th respondent, it was informed that there was resolution of the then Chair Person of such Municipality in the year 2010 granting permission for installation of the statue at the place in question.

5. Learned counsel for the petitioner submits that in compliance of the order of the Hon'ble Apex Court dated 18.01.2013, the Government of Andhra Pradesh issued G.O.Ms.No.18 dated 18.02.2013, but the same is not being adhered.

6. The learned counsel appearing for the respondents have not disputed the aforesaid Government Order. As also the submissions of the learned counsel for the petitioner.

7. Sri G. Naresh Kumar, however, further submits that the petitioner is infact raising the public grievance and he should approach in the public interest litigation before the appropriate Bench.

8. The court finds that the petitioner has raised the grievance against the respondent authorities including the Municipality which has granted permission in the year 2010 as alleged in the writ petition. The matter pertains to the municipalities and once the action of the municipality is questioned being violative of the orders of the Hon'ble Apex Court, the matter is cognizable by this bench which is having roaster pertaining to the municipal corporation municipality matters.

9. In the case of **Union of India and another v State of Gujarat and others in** Special Leave to Appeal (C) No(s)

8519/2006. The Hon'ble Supreme Court of India I.A.No.10 of 2012 passed the order dated 18.01.2013 which is reproduced as under:

"ORDER:

I.A. No. 10 of 2012 in S.L.P. (C) No. 8519 of 2006:

1. We have heard Mr. Basavaprabhu S. Patil, learned senior counsel for the applicant and Mr. M.T. George, learned counsel for the State of Kerala.
2. Mr. M.T. George, learned counsel for the State of Kerala placed before us a copy of the order dated September 7, 2011 passed by the Government of Kerala granting permission for installation of statue of late Shri N. Sundaran Nadar, Ex-Deputy Speaker of Kerala Legislative Assembly near to Neyyattinkara – Poovar Road in the curve turning to the KSRTC Bus Stand Neyyattinkara in the Kanyakumari National Highway near bus stand.
3. We have our doubt whether such permission could have been granted by the State Government for installation of statue on the national highway.
4. Until further orders, we direct that the status quo, as obtaining today, shall be maintained in all respects by all concerned with regard to the Triangle Island where statue of late Shri N. Sundaran Nadar has been permitted to be sanctioned. We further direct that henceforth, State Government shall not grant any permission for installation of any statue or construction of any structure in public roads, pavements, sideways and other public utility places. Obviously, this order shall not apply to installation of high mast lights, street lights or construction relating to electrification, traffic, toll or for development and beautification of the streets, highways, roads etc. and relating to public utility and facilities.
5. The above order shall also apply to all other 6 states and union territories. The concerned Chief Secretary/Administrator shall ensure compliance of the above order."

10. The Hon'ble Apex Court directed that all the concerned Chief Secretary/Administrator shall ensure compliance of the said order.

11. In the above S.L.P., the Hon'ble Apex court categorically directed all the State Governments and Union territories not to grant any permission for installation of any statute or construction of any structure in public roads, pavements, sideways and any other public utility places.

12. The G.O.Ms.No.18 Transport, Roads & Buildings (Roads-1) Department dated 18.02.2013 on the subject of installation/erection of statute on roads in the State of Andhra

Pradesh-compliance of orders of Hon'ble Supreme Court of India in
SLP (C) No.8519/2006, also reads as under:

"GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R & B – Installation / erection of statues / monuments on any roads in the State of
A.P. – Compliance of orders of Hon'ble Supreme Court of India in SLP (C)No.8519/2006 – Orders – Issued.

TRANSPORT, ROADS & BUILDINGS (ROADS-1) DEPARTMENT

G.O.Ms.No. 18

Dated:18-02-2013.

Read the following:-

1. G.O.Ms.No. 55, TR & B (R-1) Dept., Dt.8-4-2003.
2. Orders of Hon'ble Supreme Court of India in SLP (C) No.8519/2006,Dt.18-1-2013.

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ORDER:

In the G.O., first read above, instructions have been issued that no new statues should be permitted for erection on any R&B roads. If Statues / Monuments are unavoidable on roads, they should be located only on large traffic islands, public gardens, parks, premises of Government buildings, town halls or places of public importance. In case any approval of Government is required, recommendation by a Statue Committee headed by the District Collector and comprising of Superintendent of Police, SE (R&B), Chairman / CEO, Local Municipal body, SE (PR), S.E. (AP Transco) and the concerned E.E. (R&B) is mandatory.

2. In the reference second read above, the Supreme Court of India, have passed the following orders:-

"We further direct that henceforth, State Government shall not grant any permission for installation of any statue or construction of any structure in public roads, pavements, sideways and other public utility places. Obviously, this order shall not apply to installation of high mast lights, streetlights or construction relating to electrification, traffic toll or for development and beautification of the streets, highways, roads etc. and relating to public utility and facilities.

The above order shall also apply to all other States and Union Territories. The concerned Chief Secretary / Administrator shall ensure compliance of the above order."

2. In pursuance of the orders of the Hon'ble Supreme Court of India, Government hereby decide not to grant permission for installation of any statue or construction of any structure in public roads, pavements, sideways and other public utility places.

3. All the State Level and District Level Officers mentioned in the address entry are requested to ensure strict compliance of the above orders of Hon'ble Supreme Court of India.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MINNIE MATHEW
CHIEF SECRETARY TO GOVERNMENT."

13. As per the Government Order dated 18.02.2013, at para 4 all the State Level and District Level Officers mentioned therein have been directed to ensure strict compliance of the order of the Hon'ble Supreme Court of India.

14. The Municipal Corporation or Municipalities cannot grant any permission for installation of any statue or construction of any structure in public roads, pavements, sideways and other public utility places and even if any permission was granted previously pursuant to which any statue is being installed now that can also not be done contrary to the specific order of the Hon'ble Supreme Court dated 18.02.2013.

15. In view of the aforesaid, the 1st respondent-Principal Secretary, Municipal Administration and Urban Development Department and the 2nd respondent-District Collector, Palnadu District shall look into the matter and all the respondents shall ensure that there is no violation of the order of the Hon'ble Supreme Court dated 18.01.2013 passed in Special Leave to Appeal (C) No(s) 8519/2006 and any act contrary to the said order/direction is not performed.

16. The learned counsel for the 1st respondent shall communicate this order to the Principal Secretary to the Government of Andhra Pradesh as also to the District Collector, Palnadu today itself.

17. Let a copy of this order be sent to the Chief Secretary to the Government of Andhra Pradesh as well.

18. Let a copy of this order be provided free of cost to the learned counsels representing the respondents 1 to 5.

19. With the above directions, the writ petition is disposed of. No order as to costs.

Consequently, the Miscellaneous Petitions if any pending in this writ petition shall stand closed.

RAVI NATH TILHARI,J

Date:30.08.2022

Note:

Issue CC by today

B/o.

Gk.

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

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DATE: 30.08.2022

GK.