

This is how Supreme Court banned installation of new statues by governments (Order dated Jan 18, 2013)

ITEM NO.201 COURT NO.6 SECTION IX

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).8519/2006

(From the judgement and order dated 02/05/2006 in SCA No.9686/2006 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

UNION OF INDIA

Petitioner(s)

versus

STATE OF GUJARAT & ORS.

Respondent(s)

(With appln(s) for directions, intervention, stay, impleadment, impleadment as party respondent and prayer for interim relief and office report)(for final disposal)

WITH W.P(C) No. 314 of 2010

(With appln. for exemption from filing OT and office report)

Date: 18/1/2013

These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For the Petitioner: Mr. R.P. Bhatt, Sr. Adv., Mr. Shreekant N. Terdal, Adv.; WP: Mr. Anoop Kr. Srivastav, Adv., Mr. Vipin Kr. Saxena, Adv.

For the Respondent: I.A. No. 10: Mr. Basava S. Patil, Sr. Adv., Mr. Sekar G. Devasa, Adv., Mr. Nirmimesh Dube, Adv.; **UOI:** Mr. R.P. Bhatt, Sr. Adv., Ms. Binu Tamta, Adv., Mr. Rahul Kaushik, Adv. for Mr. B.K. Prasad, Adv.; **Puducherry** Mr. C.S. Rajan, Sr. Adv.; Mr. V.G. Pragasam, Adv.; Mr. Prabu Ramasubramanian, Adv.; Mr. S.J. Aristotle, Adv.; Ms. Varuna Bhandari Gugnani, Adv.; Mr. Gunwant, Adv. for Mr. D.S. Mahra, Adv.; **TN** Mr. B. Balaji, Adv., Mr. R. Rakesh Sharma, Adv., **West Bengal** Mr. Abhijit Bhattacharjee, Adv., Mr. Bikas Kargupta, Adv., Ms. Sarbani Kar, Adv., Ms. Debjani Das Purkayastha, Adv.; **UP** Ms. Alka Agarwal, Adv.; Ms. Shalini Kumar, Adv., Mr. Anuvarat Sharma, Adv., Ms. Alka Sinha, Adv. for Mr. Gunnam Venkateswara Rao, Adv.; **Gujarat:** Ms. Enatoli Sema, Adv., Mr. Aakarshan Aditya, Adv. for Ms. Hemantika Wahi, Adv., Mr. Manu Nair, Adv. for M/s. Suresh A. Shroff & Co., Haryana Mr. Kamal Mohan Gupta, Adv., Arunachal Pradesh Mr. Ritu Raj, Adv., Mr. Anil Shrivastav, Adv., Mr. S.C. Patel, Adv., **Assam** Mr. Riku Sarma, Adv., Mr. Navnit Kumar, Adv. for M/s. Corporate Law Group, **Punjab** Mr. Ajay Kapur, Adv., Mr. Dinesh Kumar, Adv., Mr. H Singh Kohli, Adv. for Kuldip Singh, Adv., **Nagaland** Ms. K. Enatoli, Sema, Adv., Mr. Amit Kumar Singh, Adv., Maniur Mr. Khwairakpam Nobin Singh, Adv., Mr. Sapam Biswajit Meitei, Adv., **J&K** Mr. Sunil Fernandes, Adv., Ms. Insha Mir, Adv. Ms. Astha Sharma, Adv., Mr. Shashank Kr. Lal, Adv., Rajasthan Dr. Manish Singhvi, Adv., Mr. Amit Lubhaya, Adv. for Mr.

Irshad Ahmad,Adv., Mr. S. Thananjayan, Adv., Mr. G. Prakash, Adv., Mr. Ajay Pal, Adv., Mr. V.G. Pragasam, Adv., **Meghalaya** Mr. Ranjan Mukherjee,Adv., Mr. S.C.Ghosh,Adv., Mr. S.Bhowmick,Adv., Mr. R.P.Yadav,Adv., **Chattisgarh** Mr. Atul Jha,Adv., Mr. Sandeep Jha,Adv., Mr. D.K.Sinha,Adv., Tripura Mr. Ritu Raj Biswas, Adv. for Mr. Gopal Singh, Adv.; **Sikkim** Mrs. Aruna Mathur, Adv., Mr. Yusuf Khan, Adv., Ms. Movita, Adv. for M/s. Aruputham, Aruna & Co., Mr R Gopalakrishnan, Adv., Bihar Mr. Manish Kumar, Adv. for Mr. Gopal Singh, Adv., Mr. Dharmendra Kumar Sinha, Adv., **Jharkhand** Mr. Gopal Prasad, Adv., Mr. B.S. Banthia, Adv., Mr. Shibashish Misra, Adv., Ms Kamini Jaiswal, Adv., Mr. Naresh K. Sharma, Adv., Mrs. D. Bharathi Reddy, Adv., Mr. Balaji Srinivasan, Adv., Ms. Anitha Shenoy, Adv., Ms. A. Subhashini, Adv., Maharashtra Mr. Sanjay Kharde, Adv. for Ms. Asha Gopalan Nair, Adv., Uttrakhand Mr. Rahul Verma, Adv. for Ms. Rachana Srivastava, Adv., Mr. S.K. Sabharwal, Adv., Mr. Anis Ahmed Khan, Adv., Ms. Arti Singh, Adv., **Goa** Mr. Siddharth Bhatnagar, Adv., Mr. Pawan Kr. Bansal, Adv. for Mr. T. Mahipal, Adv., Mr. Shekhar G. Devasa, Adv., Mr. Nirnimesh Dube, Adv., Mr. C.K.Sucharita, Adv.; **Rajasthan** Dr. Manish Singhvi,AAG., Mr. Amit Lubhaya, Adv., Mr. Irshad Ahmad, Adv., **Kerala** Mr. M.T. George ,Adv. ,Ms. Kavita K.T.,Adv.

UPON hearing counsel the Court made the following

O R D E R

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 states and union territories. The concerned Chief Secretary/Administrator shall ensure compliance of the above order.

S.L.P. (C) No. 8519 of 2006:

Office has reported that states of Arunachal Pradesh, Nagaland, U.T. of Dadra & Nagar Haveli & Lakshadweep have not filed their respective affidavits so far. However, we find from the order dated July 27, 2010 that the states of Nagaland, Sikkim, Mizoram & Lakshadweep were exempted from filing reply affidavits. Therefore, their affidavits are not necessary. However, the state of Arunachal Pradesh and Union Territory of Dadra & Nagar Haveli are directed to file their affidavits within four weeks.

List the Special Leave Petition along with the Writ Petition after four weeks.

[End of the order]