

1.W.P(MD)No.29035 of 2024:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)Nos.29035, 29217 & 30354 of 2024
and W.M.P.(MD)Nos.24596 & 24599 of 2024 & 286 of 2025

1.W.P(MD)No.29035 of 2024:

R.Kathiravan

... Petitioner

Vs

1.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Near Thamarai Thotti,
K.Pudur, Madurai - 625 002.

2.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Sub-Division - Madurai South,
Near District Court,
Madurai - 625 002.

3.The Assistant Engineer,
Highways Department,
Construction and Maintenance,
Sub-Division Madurai South,
Near District Court,
Madurai - 625 002.

4.The Tahsildar,
Thiruparankundram Taluk,
Madurai.



1.W.P(MD)No.29035 of 2024:

5.The Assistant Commissioner of Police,
Thidir Nagar Circle,
S.S.Colony,
Madurai - 625 016.

6.The Inspector of Police,
C-3, Subramaniyapuram Police Station,
Madurai - 625 003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Ku.No.818/2024/E.Va.A dated 29.11.2024 passed by the second respondent and quash the same as illegal and consequently direct the respondents to grant permission to erect the Anaithu India Anna Dravida Munnetra Kalagam (AIADMK) Party's flagpole at Ward No.74, Bus-Stop, Opposite to Jeyam Theatre, Bye-pass Road, Palanganatham, Madurai City.

2.W.P(MD)No.29217 of 2024:

K.R.Chithan

... Petitioner

Vs

1.The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai.

2.The District Revenue Officer,
Collectorate Campus,
Madurai.

3.The Revenue Divisional Officer,
Madurai North Division,
Madurai District.

4.The Tahsildar,
Madurai North Taluk Office,
Madurai District.



1.W.P(MD)No.29035 of 2024:

5.The Assistant Commissioner,
Madurai Corporation,
Madurai North Division No.II,
Race Course Road,
Madurai.

6.The Assistant Commissioner of Police,
Sellur Circle,
Madurai District.

7.The Inspector of Police,
D3 Koodal Nagar Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 5 to grant permission to erect the Anaithu India Anna Dravida Munnetra Kalagam (AIADMK) Party's flagpole at opposite to MGR Mandram at Kamatchi Nagar, Vilankudi, Ward No.20, Madurai City within a stipulated time fixed by this Court.

3.W.P(MD)No.30354 of 2024:

V.Chandran

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Taluk Office,
Periayur Taluk,
Madurai District.

3.The Inspector of Police,
Saptur Police Station,
Madurai District.

... Respondents



1.W.P(MD)No.29035 of 2024:

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents for reinstalling the Viduthalai Chiruthaigal Katchi (VCK) party flagpole and the name board at Athipatti Village, Peraiyur Taluk, Madurai District by considering the petitioner's representation dated 25.11.2024 within the time frame fixed by this Court.

For Petitioner in
W.P.(MD).Nos.29035
and 29217 of 2024 :Mr.P.Balamurugan
For petitioner in
W.P.(MD)No.30354
of 2024 : Mr.A.Ramkumar
For respondents in
all petitions : Mr.A.Gopinath
Government Advocate (Crl. Side)

COMMON ORDER

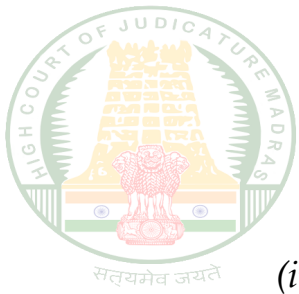
Today, the matters are posted before this Court under the caption 'For reporting compliance'.

2. This Court by an order dated 27.01.2025 issued the following directions :-

“(i) All the political parties and all organizations such as Community, Religion, Association etc., are directed to remove their flagpoles which are erected permanently in all over Tamil Nadu in the public places and land belongs to the National Highways, State Highways, Corporations, Municipalities, Local Bodies and other Departments, within a period of twelve weeks from today, failing which, the authorities concerned are directed to remove the flagpoles by issuing two weeks notice and in accordance with law. After removal of flagpoles, the authorities concerned are directed to recover the cost of removal of flagpoles from the respective

political parties.

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(ii) All the authorities concerned shall not grant any permission to erect flagpoles permanently in the public places and land belongs to the National Highways, State Highways, Corporations, Municipalities, Local Bodies and other Departments by the political parties and other organizations such as Community, Religion or any Association in the public place and the land owned by the Department of National Highways, State Highways, Corporation, Municipality and Local Bodies.

(iii) The political parties and other organizations are permitted to erect their permanent flagpoles in their own land that too after obtaining necessary permission from the authority concerned. In this regard, the State Government is directed to frame Rules for erection of flagpoles in the private land.

(iv) The authorities concerned can permit the political parties to erect their flagpoles temporarily without causing any damage to the land during their meetings, election campaign, conferences, procession, dharna and functions etc., on payment of rent in advance, as may be prescribed, in accordance with law.

(v) The authorities must ensure that after the period of permission/licence to erect temporary flagpole, the person who was granted permission/licence shall restore the public places to its original position by cleaning and filling up the holes, if any. If any damage caused, the cost to be paid to the concerned authorities.

(vi) The Head of the Department of concerned authorities and all District Collectors must ensure that the concerned authorities shall comply with the above directions and monitor from time to time.

(vii) The Registry is directed to circulate this order to all the District



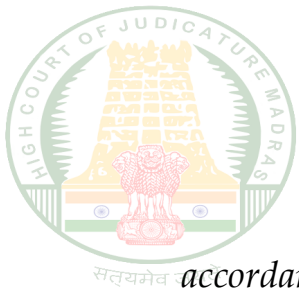
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Collectors for strict compliance. The Chief Secretary shall ensure compliance of this order."

3. Though the above order was confirmed by the Hon'ble Division Bench at Madurai Bench of this Court and also by the Hon'ble Supreme Court of India, another Hon'ble Division Bench referred the very same issue to a larger bench. In view of the dismissal of the Special Leave Petition by the Hon'ble Supreme Court of India, the Hon'ble larger Bench of this Court closed the reference. Aggrieved by the same, one P.Shanmugam approached the Hon'ble Supreme Court of India in Special Leave to Appeal (c) No.23564 of 2025. The Hon'ble Supreme Court of India by an order dated 25.08.2025 ordered that until further order, parties are to maintain status quo with respect to the subject flagpoles, as it exist today. Thus, the respondents are directed to maintain status quo in respect of the first directions issued by this Court as follows:-

"(i) All the political parties and all organizations such as Community, Religion, Association etc., are directed to remove their flagpoles which are erected permanently in all over Tamil Nadu in the public places and land belongs to the National Highways, State Highways, Corporations, Municipalities, Local Bodies and other Departments, within a period of twelve weeks from today, failing which, the authorities concerned are directed to remove the flagpoles by issuing two weeks notice and in



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accordance with law. After removal of flagpoles, the authorities concerned are directed to recover the cost of removal of flagpoles from the respective political parties."

4. In the mean time, this Court by an order dated 13.08.2025, issued the following directions:-

"3. This Court raised specific question that though the Hon'ble Full Bench of this Court ordered status quo to be maintained for the removal of flagpoles erected by the political party in the public places, all the political parties are erecting their flagpoles in the center median and adjacent to the national highways, State highways, panchayats roads etc., during their party meetings, leaders' birthday and death anniversary celebration, private functions, private meetings etc. On one hand, the government authorities are not taking any action as against the political parties, who are erecting temporary flagpoles and on the other hand, due to untoward incidents of falling of the temporary flagpoles on the commuters, the affected parties approach this Court for compensation and the government pays compensation to them. The compensation is paid from the tax payers' money rather than taking actions as against the political parties, who erect such the temporary flagpoles.

4. In this regard, the respondents are directed to file status report and are also directed to comply with the order passed by this Court. Post the matter on 03.09.2025 at 2.15 p.m., under the caption "for reporting compliance".

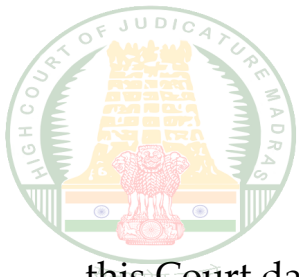


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Therefore, the above directions shall have to be complied with by the concerned authorities, since it is outside the purview of the interim order of the status quo issued by the Hon'ble Supreme Court of India. But the concerned authorities failed to do so and did not file any status report in order to comply the above direction issue by this Court, by an order dated 13.08.2025.

5. That apart, this Court is able to see that all over the State of Tamil Nadu, on occasions such as marriages of political persons, political parties meetings, birth day celebrations and death anniversary of the political leaders, political parties' conferences etc., the respective political parties erect temporary flagpoles in the center median and both sides of the public road, without obtaining any permission from the authorities concerned. Whenever the political parties with or without permission erect their flagpoles in such public places, the concerned authorities shall not permit them to erect their temporary poles and shall have to take appropriate action against the person who erects their political party flagpoles, in the public road and other public places. Omitting to take such appropriate actions is in clear violation of the directions issued by this Court dated 27.01.2025 and is also in violation of the interim directions issued by this Court dated 13.08.2025. Today, there is no report from any of the authorities in respect of the directions issued by



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this Court dated 13.08.2025.

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6. In view of the above, the District Collectors of Chennai, Kancheepuram, Chengalpattu, Thiruvallur; the Commissioner of Chennai Corporation, Avadi Corporation and Tambaram Corporation, the Chief Engineer of State Highways, the Chief Engineer of National Highways, shall appear before this Court on 17.09.2025 at 2.15 pm., to explain the status of the order passed by this Court dated 13.08.2025.

7. Post the matter on 17.09.2025 at 2.15 p.m.

Sd/-

Assistant Registrar (C.O)

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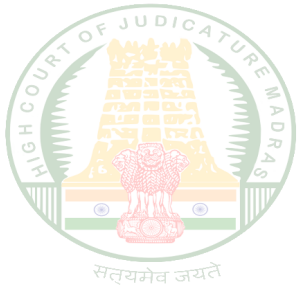
Sub Assistant Registrar
(CS - I/ II / III /IV)

rts

To :-

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Secretariat, Chennai.

<https://www.mhc.tn.gov.in/judis>



1.W.P(MD)No.29035 of 2024:

2. The District Collector,
Chennai District.

3. The District Collector,
Kancheepuram District.

4. The District Collector,
Chengalpattu District.

5. The District Collector,
Thiruvallur District.

6. The Commissioner,
Greater Chennai Corporation,
Chennai.

7. The Commissioner,
Avadi Corporation,
Thiruvallur District.

8. The Commissioner,
Tambaram Corporation.

9. The Chief Engineer
State Highways,
Integrated Chief Engineers Office,
HRS Campus, 76, Sardar Patel Road,
Guindy, Chennai - 600 025.

10. The Chief Engineer,
National Highways,
3rd Floor, No.76, Sardar Patel Road,
Guindy, Chennai - 600025.

11. The Additional Government Pleader,
High Court, Madras.



1.W.P(MD)No.29035 of 2024:

12. The Section Officer,
Writ Section,
High Court,
Madras.

13. The Head Bailiff,
High Court, Madras.

CopyTo

1.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Near Thamarai Thotti,
K.Pudur, Madurai - 625 002.

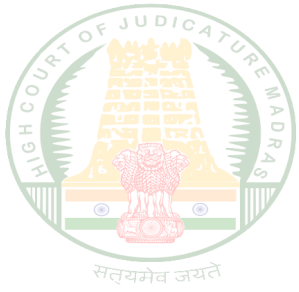
2.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Sub-Division - Madurai South,
Near District Court,
Madurai - 625 002.

3.The Assistant Engineer,
Highways Department,
Construction and Maintenance,
Sub-Division Madurai South,
Near District Court,
Madurai - 625 002.

4.The Tahsildar,
Thiruparankundram Taluk,
Madurai.

5.The Assistant Commissioner of Police,
Thidir Nagar Circle,
S.S.Colony,
Madurai - 625 016.

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1.W.P(MD)No.29035 of 2024:

6.The Inspector of Police,
C-3, Subramaniyapuram Police Station,
Madurai - 625 003.

7.The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai.

8.The District Revenue Officer,
Collectorate Campus,
Madurai.

9.The Revenue Divisional Officer,
Madurai North Division,
Madurai District.

10.The Tahsildar,
Madurai North Taluk Office,
Madurai District.

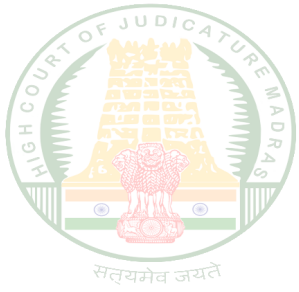
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13.The Inspector of Police,
D3 Koodal Nagar Police Station,
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14.The District Collector,
Madurai District, Madurai.

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1.W.P(MD)No.29035 of 2024:

15. The Tahsildar,
Taluk Office, Peraiyur Taluk,
Madurai District.

16. The Inspector of Police,
Saptur Police Station,
Madurai District.

17. The Public Prosecutor,
High Court, Madras.

18. The Court Manager,
Madras High Court, Chennai.

19. The Court Manager,
Madurai Bench of Madras High Court,
Madurai.

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and W.M.P.(MD)Nos.24596 & 24599 of 2024 & 286 of 2025
03.09.2025

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