



W.A.(MD) Nos.1738 & 2391 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR
and**

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.A.(MD) Nos.1738 & 2391 of 2025

and

C.M.P.(MD) Nos.9711, 13439 & 13440 of 2025

W.A.(MD) Nos.1738 of 2025:

P.Shanmugam

... Appellant

-vs-

1.The State
rep.by the Chief Secretary
Government of Tamil Nadu
Fort St.George
Secretariat
Chennai

2.The District Collector
Madurai District
Madurai

3.The Commissioner
Madurai Corporation
Arignar Anna Maligai
Madurai



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- 4.M.Srinivasan, M/57
S/o.Muniamuthu
General Secretary
Tamilnadu Government
Employees Association
Office Address:
No.46, Theradi Street
Triplicane
Chennai-600 005
- 5.T.S.Mani @ Kolathur Mani, M/76
S/o.Senkodan
President
Dravidar Viduthalai Kazhagam
Office Address:
No.95, Dr.Natesan Road
Mylapore, Chennai-600 004
- 6.Tamilaga Vettri Kazhagam (TVK)
represented by its General Secretary
N.Anand
275, Seashore Town, 8th Avenue
Panaiyur, Chennai-600 119
- 7.R.Mutharasan
S/o.Ramasamy
Tamilnadu State Secretary
Communist Party of India (CPI)
No.43/19, Balan Illam
Sevaliyar Sivaji Ganesan Salai
T.Nagar, Chennai-600 017
- 8.S.Karthikeyan @ Perarivalan, (M52/2025)
S/o.Chitran
306, Sathyamani Muthu Nagar
Karumpalai
Madurai District



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- 9.Ezhilan
S/o.Mariyan
State Coordinator
Tamil Meenavar Koottamaippu
51A, Ambalakaranpatti
Ulaganeri, Madurai, Tamilnadu
- 10.T.Velmurugan, M/A Years
S/o.Thirunavukkarasu
Founder and President of
“Tamizhaga Vazhurimai Katchi”
Head Office at
No.159, Near Omkar Medical
Distributors Pvt. Ltd.,
Opposite Valasaravakkam Police Station
Tirupathi Nagar, 1st Cross Street
Valasaravakkam-600 087
- 11.Kalaiarasan
S/o.Kalimuthu
No.4/89, Veerapandipuram
Sattur Taluk
Virudhunagar District-626 203
- 12.All India Anna Dravida
Munnetra Kazhagam
rep.by its Authorized Signatory
R.B.Udhaya Kumar, MLA
having office at Puratchi Thalaivar
M.G.R.Maalgai
226, Avvai Shanmugam Salai
Royapettah, Chennai-600 014
- 13.Tata Communications Employees Union
rep.by its General Secretary
Regn.No.131/MDS/1967
No.4, Swami Sivananda Salai
Chennai-600 002



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- 14.K.Gopinath
S/o.Kuppusamy
No.6/1, R.K.Apartment
Vivekanandha Nagar
College Road, Tirupur
- 15.S.Karikalacholan
S/o.R.Selvaraj
Aged 41 years
RTI Activist & Former State
General Secretary
Nationalist Congress Party (NCP)
Residing at Door No.936
Annai Indira Nagar
5th Street, Vilar Road
Thanjavur-613 006
- 16.All India Lawyers Union
Tamil Nadu State Committee
(Rep.by its General Secretary
S.Sivakumar
Registration No.District Shahdara/
society/836/2016-17)
Old No.151, New No.313
Thambu Chetty Street, First Floor
Chennai-600 001
- 17.Dr.M.H.Jawahirullah
President
Manithaneya Makkal Katchi
Headquarters
No.6, 3rd Floor, Vadamaracoir Street
Mannady, Chennai
Tamil Nadu-600 001



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18.Marumalarchi Dravida Munnetra Kazhagam
rep.by its General Secretary Vaiko
New No.12, Rukmani Lakshmipathi Road
Egmore, Chennai-600 008

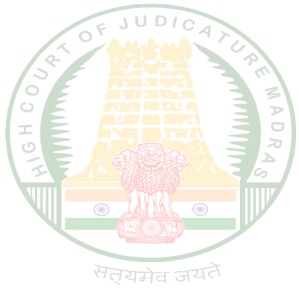
19.PayccalMugaam-Avadi
rep.by its President
S.Arunkumar
Venmanambudur (Old)
Kadambathur Post
Tiruvallur Taluk & District

20.Desiya Makkal Sakthi Katchi
rep.by its President M.L.Ravi
No.21/11, Venkatraman Street
Chennai-600 079

21.J.Agni Selvaraju
S/o.K.Jayakannan
Founder & President
Naadaalum Makkal Katchi (NMK)
Registration No.56/194/2020-2021
No.1/122, South Street
Soraiyapattu Village
Kazhumaram Post
Thirukovilur Taluk
Kallakurichi District-605 754

22.A.Vasanth, aged 44
S/o.Arjunan, Hindu
1/178, Puthu Colony
Kamalapuram, Omalur Taluk
Salem District

23.A.Radhakrishnan



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24.Dr.Anbumani Ramadoss
S/o.Dr.S.Ramadoss
President
Pattali Makkal Katchi (PMK)
No.10, Thilak Street
T.Nagar
Chennai-600 017

25.Social Democratic Party of India (SDPI)
rep.by its State General Secretary
S.P.Mohammed Nasuedeem
4/7, Ibrahim Sahib Street
Mannady
Chennai-600 119

26.A.Shanmugasundaram
[R4 to R22 are impleaded vide court order
dated 13.08.2025 in C.M.P.(MD) Nos.12426,
12441, 12571, 12673, 12700, 12701, 12776,
12853, 12869, 12873, 12906, 12908, 12933,
12938, 12940, 12946, 12953, 12958 &
12961 of 2025 and R23 to R26 are impleaded
vide court order dated 13.08.2025 in C.M.P.
(MD) Nos.13031, 13334 13452 & 13488 of
2025]

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the
order, dated 20.06.2025, passed in W.P.(MD) No.16766 of 2025, on the file of
this Court.



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For Appellant : Mr.N.G.R.Prasad
for Mr.R.Thirumoorthy

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Ms.S.Devasena
Standing Counsel for R3
Mr.R.Thirumoorthy for R4
Mr.T.Mohan, Senior Counsel
for Mr.R.Thirumoorthy for R5
Mr.R.Ramasamy
for Mr.S.Arivazhagan for R6
Mr.K.K.Samy for R7
Mr.A.V.Saha for R8
Ms.A.Rajini for R9
Mr.K.Gandhi Kumar for R10
Mr.V.Muthumani for R11
Mr.M.Sricharan Rangarajan, Senior Counsel
for Mr.E.Balamurugan for R12
Mr.Balan Haridas
for Mr.K.Anand for R13
Mr.C.B.Ramalingam for R14
Mr.Alagu Sundar
for Ms.Shakiladevi for R15
Mr.K.Elango for R16
Mr.Henri Patrick Tiphange for R17
Mr.R.Murali for R18
Mr.S.Aswin Kumar for R19
Mr.T.Sivagnanasambandam for R20
Mr.N.Balasubramanian for R21
Mr.A.C.Matheswaran for R22
Mr.A.Radha Krishnan
Party-in-Person for R23
Mr.K.Balu for R24
Mr.A.Raja Mohamed for R25
Mr.R.Prakasam for R26



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W.A.(MD) No.2391 of 2025:

Dr.Thol.Thirumavalavan

... Appellant

-vs-

- 1.R.Kathiravan
- 2.The Divisional Engineer
Highways Department
Construction and Maintenance
Near Thamarai Thotti
K.Pudur, Madurai-625 002
- 3.The Assistant Divisional Engineer
Highways Department
Construction and Maintenance
Sub-Division – Madurai South
Near District Court
Madurai-625 002
- 4.The Assistant Engineer
Highways Department
Construction and Maintenance
Sub-Division – Madurai South
Near District Court
Madurai-625 002
- 5.The Tahsildar
Thiruparankundram Taluk
Madurai
- 6.The Assistant Commissioner of Police
Thidir Nagar Circle
S.S.Colony
Madurai-625 016



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7.The Inspector of Police, C-3
Subramaniyapuram Police Station
Madurai-625 016

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 27.01.2025, passed in W.P.(MD) No.29035 of 2024, on the file of this Court.

For Appellant : Mr.D.Parventhan

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.S.P.Maharajan
Special Government Pleader for R2 to R5
Mr.T.Senthil Kumar for R6 & R7

COMMON ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The present Full Bench has been constituted pursuant to the orders of the Division Bench dated 26.06.2025 in W.A.(MD) No.1738 of 2025.

2. The facts in nutshell shows that W.P.(MD) No.29035, 29217 & 30354 of 2024 had been instituted seeking a direction to the authorities concerned to grant permission to erect flagpoles by the political parties. The



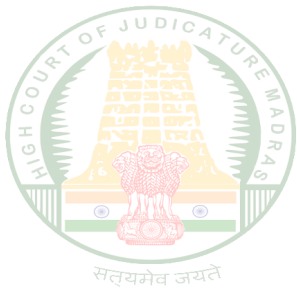
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learned Single Judge of this Court elaborately considered the issues in the context of the Statutes and Rules applicable and passed an order on 27.01.2025 by issuing number of directions in Paragraph No.43, which are extracted hereunder:

“(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.

(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.



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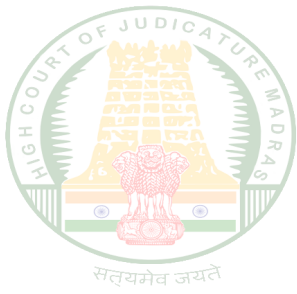
(iii) *The political parties and other organizations are permitted to erect their permanent flagpoles in their own land that too after obtaining necessary permission from the authority concerned. In this regard, the State Government is directed to frame Rules for erection of flagpoles in the private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



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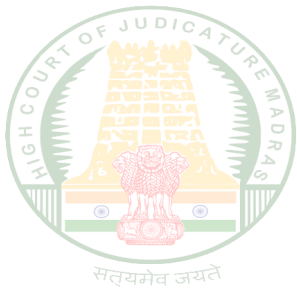
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all the District Collectors for strict compliance. The Chief Secretary shall ensure compliance of this order.

3. The said order has been taken to the Division Bench of this Court by way of an appeal under Clause 15 of the Letters Patent in W.A.(MD) No.485 of 2025 by one Mr.Ammavasithevar. The Division Bench of this Court, vide Judgment dated 06.03.2025 confirmed the orders of the learned Single Judge dated 27.01.2025 and dismissed the writ appeal.

4. Yet another writ petition in W.P.(MD) No.16766 of 2025 was filed by one Mr.P.Shanmugam seeking a direction to forbear the authorities concerned from removing the flagpoles of the Communist Party of India (Marxist) in Madurai. The said writ petition was dismissed by the learned Single Judge by an order dated 20.06.2025, on the ground that the issues raised in the said writ petition are no more *res integra* and the learned Single Judge has already passed a detailed order on 27.01.2025 in W.P.(MD) Nos. 29035, 29217 & 30354 of 2024.

5. Challenging the order dated 20.06.2025, a writ appeal in W.A. (MD) No.1738 of 2025 was filed by the writ petitioner Mr.P.Shanmugam. Another Division Bench of this Court passed an order in the said writ appeal



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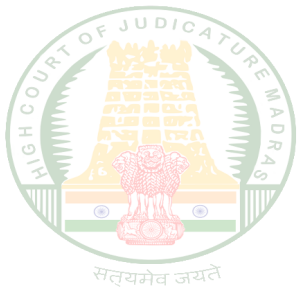
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on 26.06.2025. The relevant portion of the said order reads as follows:

“4.The learned senior counsel for the appellant submitted that this order was passed without putting the political parties and organizations on notice. Prima facie, we find that there is violation of principles of natural justice. He would also point out that a number of flagpoles have already been erected in public places after getting permission from the authorities and calling upon the parties to remove them at this point of time may not be appropriate. Paragraph No.43(iii) also states that the political parties and other organizations must obtain permission to erect their permanent flagpoles even in their own lands. For erecting flagpoles of normal height, permission may not be necessary. In more than one case, the Hon'ble Division Bench has held that even statues can be erected in a private place without getting permission. The learned senior counsel also contended that the a Judge sitting singly may not be justified in issuing such direction.

5.Since a Coordinate Division Bench had already taken a view, this writ appeal will have to be considered by a Bench of larger strength.

6.We direct the Registry to place the papers before the Hon'ble Chief Justice to consider constituting a Larger Bench to decide this appeal.”



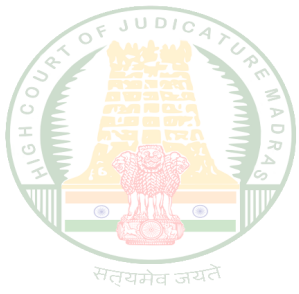
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6. In view of the above order, this Full Bench has been constituted as per the directions of the Honourable Chief Justice of the High Court of Madras.

7. This Full Bench commenced its proceedings and in order to afford an opportunity to all the parties, who made mentioning, a paper publication was made enabling the political parties to implead themselves as party respondents in the pending proceedings before this Full Bench. Pursuant to the same, several persons / political parties filed miscellaneous petitions seeking their impleadment in the pending proceedings for making their submissions on the issues.

8. During the intermittent, Mr.Ammavasi Thevar, who is the writ appellant in W.A.(MD) No.485 of 2025, filed a Special Leave Petition in SLP(C) No.20885 of 2025 challenging the Judgment dated 06.03.2025 in W.A.(MD) No.485 of 2025 confirming the order of the learned Single Judge dated 27.01.2025 passed in W.P.(MD) Nos.29035, 29217 & 30354 of 2024. The Honourable Supreme Court of India dismissed the Special Leave Petition by an



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order dated 08.08.2025.

9. In view of the fact that the Honourable Supreme Court of India has confirmed the orders of the learned Single Judge dated 27.01.2025 made in W.P.(MD) Nos.29035, 29217 & 30354 of 2024, which was confirmed by the Division Bench of this Court *vide* Judgment dated 06.03.2025 in W.A.(MD) No. 485 of 2025, no further adjudication needs to be undertaken in respect of the grounds raised in the present writ appeals before this Full Bench. However, it is for the respective parties to work out their remedy in the manner known to law.

10. With the above observation, these writ appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

[R.V., J.]

[S.S., J.]

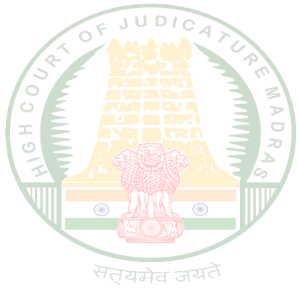
13.08.2025

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No



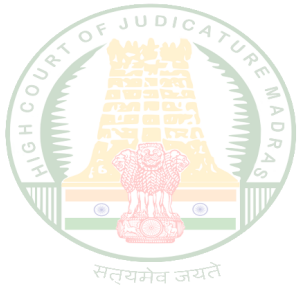
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To:

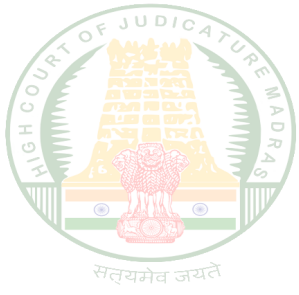
- 1.The Chief Secretary,
Government of Tamil Nadu,
Fort St.George, Secretariat,
Chennai.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The Divisional Engineer,
Highways Department,
Construction and Maintenance,
Near Thamarai Thotti,
K.Pudur, Madurai-625 002.
- 4.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Sub-Division – Madurai South,
Near District Court, Madurai-625 002.
- 5.The Assistant Engineer,
Highways Department,
Construction and Maintenance,
Sub-Division – Madurai South,
Near District Court, Madurai-625 002.
- 6.The Tahsildar,
Thiruparankundram Taluk,
Madurai.
- 7.The Assistant Commissioner of Police,
Thidir Nagar Circle,
S.S.Colony, Madurai-625 016.
- 8.The Inspector of Police, C-3,



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Subramaniyapuram Police Station,
Madurai-625 016.



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AND
S.SOUNTHAR, J.

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and
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13.08.2025

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