

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.23490 of 2017

and

W.M.P.No.24648 of 2017

B.Thirulochana Kumari

.. Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ripbon Building,
Chennai-600 003.

2. The Asst. Commissioner,
Corporation of Chennai Zone-VIII,
No.36-B, Pulla Avenue,
Shenoy Nagar, Chennai-600 030.

3. The Commissioner,
Commissioner of Police,
Vepery, Chennai-600 007.

4. Mr.Kannan,
Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai-600 106.

5. Mr.Mathi

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent with the assistance of the third respondent in order to remove the Party Board, Banner and Flag put up by the fifth respondent in front of the petitioner's property at Door No.30-A, Navalar Street, Rani Anna Nagar, Arumbakkam, Chennai-600 106.

For Petitioner : Mr.P.Prince Pream Kumar

For Respondents : Mr.T.C.Gopalakrishnan

for RR-1 and 2

Mr.S.Diwakar, Spl.G.P.

for RR-3 and 4

R-4 appeared in person before Court

No appearance for R-5

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent with the assistance of the third respondent to remove the Party Board, Banner and Flag put up by the fifth respondent in front of the petitioner's property at Door No.30-A, Navalur Street, Rani Anna Nagar, Arumbakkam, Chennai-600 106.

2. It is the case of the petitioner that herself and her family were residing in the above address and they are the owners of the said property and it has been let out to a mechanic for running a mechanic shop. After the tenant vacated the premises, the petitioner is in occupation of the property. It is stated that in April 2017, the fifth respondent has erected a political party flag in front of the petitioner's property and when this was objected to by the petitioner, the fifth respondent threatened. On 13.04.2017, the petitioner sent a representation to the respondents 1 and 2 stating that there is an encroachment in front of the petitioner's property, thereby blocking the way of entry to the property and that the fifth respondent is causing nuisance. As the fourth respondent did not take the complaint on file, the petitioner sent a representation to the second respondent on 30.05.2017 asking the status about the petition, dated 13.04.2017. It has been stated by the Corporation of Chennai that necessary instructions have been given for removing the party flag and sign-board. Initially, it was removed and once again, the fifth respondent erected another sign-board in the very same place and threatened the petitioner with dire consequences. When the petitioner approached the fourth respondent to take action against the fifth respondent, he refused to receive the representation, as it appears that the fourth respondent has stated that if the petitioner is not going to keep quiet, a case will be registered under the provisions of the SC and ST (Prevention of Atrocities) Act and the fourth respondent is said to have used unparliamentary words. Since no steps have been taken to remove the party-flag, etc., the petitioner has come forward with this Writ Petition for the relief stated supra.

3. The fourth respondent appeared in person and submitted that he has neither used any such abusive words nor stated that a case would be registered under the said SC and ST Act against the petitioner.

4. It is represented by the learned counsel for the respondents 1 and 2/Corporation of Chennai that the banner, political party flag, etc., in front of the petitioner's property had been removed and that the Police will ensure that no such incident takes place and no such party flag/banner will be erected and no political drawings on the wall in any of the residences of the people in the city will be made without the consent of the owners of the property.

5. In reply, learned counsel for the petitioner submitted that initially, the banner and political flag were removed, but again the fifth respondent has erected the same.

6. Though private notice has been sent to the fifth respondent, the same returned with endorsement 'no such person'. As the relief is sought for against the respondents 1 to 4, no prejudice is going to be caused to the fifth respondent, if final order is passed in this Writ Petition.

7. The respondents 1 to 4 submitted that all the banners and party flag, if any, not removed, will be removed forthwith and they will ensure that no such act would take place in future in the residences of the people in the city. This submission is recorded. If any banner or party flag post are erected, it should be removed forthwith. Whoever objects to such removal of party flag/banner, etc., the name and address of such person shall be furnished to the Police, so that the Police shall register a case against such person.

8. With the above observations, the Writ Petition is disposed of. No costs. W.M.P. is closed.

9. In order to maintain clean atmosphere in all the areas of the entire State of Tamil Nadu, and to avoid unnecessary drawings on the walls of the buildings/residential places in the areas, this Court directs the Chief Secretary to the Government of Tamil Nadu to ensure that clean atmosphere is maintained in that regard in the Wards of the Town Panchayat/Panchayat Union/Municipality/Corporation, etc. and shall also ensure that the provisions of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, amended from time to time, are complied with. If at all any permission is given by the authority concerned for erecting banners, flex boards, sign-boards, etc., the authority concerned shall ensure that the photographs/pictures of such persons who are alive, shall not be depicted by way of those banners, flex boards, sign-boards, etc. It is further directed to ensure that the photographs/pictures of the persons who are sponsoring for the photographs/pictures, shall also not be depicted. In the context of all the above directions, the Chief Secretary shall send circular to all

office bearers of the Wards of the Town Panchayat/Panchayat Union/Municipality/Corporation etc.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cs

To

1. The Chief Secretary to Government,
Government of Tamil Nadu,
Fort St.George, Secretariat,
Chennai-600 009.
2. The Commissioner,
Corporation of Chennai,
Ripon Building,
Chennai-600 003.
3. The Asst. Commissioner,
Corporation of Chennai Zone-VIII,
No.36-B, Pulla Avenue,
Shenoy Nagar, Chennai-600 030.
4. The Commissioner,
Commissioner of Police,
Vepery, Chennai-600 007.
5. The Inspector of Police,
K-8 Arumbakkam Police Station,
Chennai-600 106.

+1 cc to M/s.P.Prince Pream kumar Advocate sr 74380
+1 cc to M/s.T.L.Gopalakrishnan Advocate sr 74319

W.P.No.23490 of 2017

mn(co)
aa24/10/2017