



W.P.No.2857 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.2857 of 2024

Dr.Suresh

.. Petitioner

VS

1.The District Collector,
Thiruvallur Taluk,
Thiruvallur District – 602 001.

2.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur District – 602 001.

3.The Block Development Officer,
Poondi Union,
Thiruvallur Taluk,
Thiruvallur District – 602 001.

4.The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur District – 602 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 1 to 3 to grant permission to the petitioner to erect the flag post in Sy.No.859/6A, bearing Patta No. 1979, pursuant to the application submitted before respondents 1 to 3 dated 02.02.2024 at the earliest enabling the petitioner to erect the flag erected on or before 08.02.2024.



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For Petitioner : Mr.V.Chandrasekaran

For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.S.John J Raja Singh
Additional Government Pleader
for R1, R2
Mr.M.Rajendran,
Additional Government Pleader
for R3
Mr.R.Kishore Kumar,
Government Advocate
(Crl.Side) for R4

ORDER

The petitioner is aggrieved by the impediments stated to have been posed by the respondents in erection of flag post of 70 feet length in his property in Survey No. 859/6A in Varadapuram Village, Thiruvallur Taluk, Thiruvallur District under patta no.1979 (property / property in question).

2. There is no dispute on the position that the petitioner is the legitimate owner of the property in question. The petitioner is affiliated with a political party and is anticipating the visit of the State President today. It is hence that he wishes to erect the flag and had sought permission from the police for the same on 30.01.2024.

3. On 02.02.2024, the police have corresponded categorically stating that grant of permission for erection of flag



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post does not fall within their domain. However, they have re-directed the petitioner to the Block Development Officer / R3 for permission. Accordingly, the petitioner has also made a representation before R3 on 05.02.2024 that is yet pending.

4. Mr.Ravindran, learned Additional Advocate General, assisted by Mr.S.John J Raja Singh, learned Additional Government Pleader, who appears on behalf of the respondents would state that the representation would be disposed expeditiously and this is appropriate seeing as the anticipated visit of the State President of the political party is scheduled for today.

5. The question that is moot is as to whether at all, the authorities may pose a hindrance to the erection of a flag post in the petitioners private premises. Normally, not. G.R.Swaminathan., J, in W.P.(MD) No. 24595 of 2023 dated 04.01.2024 has also referred to a decision in *V.R. Vengan v State Rep. By Secretary, Department of Home Secretariat, Fort St.George, Chennai* W.P.No.43657 of 2016 dated 10.01.2017 holding that it is not open to the Government to prevent an individual from installing the statue of a person esteemed by him in his private land.

6. Though the above principle applied in the case of a statue would well apply in the case of a flag post as well, in the case



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of the latter, certain additional required to be taken may be called for in view of the length of the structure.

7. Pending writ petition, the petitioner has received order dated 06.02.2024 from the Panchayat President granting permission for the erection of the pole. The petitioner points out that a copy of the permission is addressed to the Block Development Officer.

8. Let the petitioner approach R3 / Block Development Officer with a copy of order dated 06.02.2024 and letter dated 02.02.2024 forthwith / immediately. R3 will grant him audience and take necessary steps to ensure that the erection of the flag post will proceed unhindered, though in accordance with law and prevailing regulations in this regard.

9. Seeing as the police have expressed that they are not the authorities to consider grant of permission or otherwise, no hindrance shall be posed by the Police authorities, once necessary permission has been obtained from the Block Development Officer / R3.

10. This writ petition stands disposed in terms of this order.
No costs. Connected W.M.P.No.3103 of 2024 is closed.

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Index:Yes/No

Neutral Citation:Yes/No

ssm

Note to Registry : Upload Today



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To
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