



W.P(MD)No.15824 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15824 of 2024

P.Balamurugan

... 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 Assistant Commissioner of Police,
Thilagar Thidal Circle,
S.S.Colony,
Madurai – 625 016.



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5.The Inspector of Police,
S.S.Colony Police Station,
Madurai – 625 016.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant permission to erect the Anaithu India Anna Dravida Munnetra Kalagam (AIADMK) Partys Flag Pole at Right Side of Nehru Nagar Entrance, 70th Ward, Kalavasal to Thirumangalam Bye Pass Road, Madurai Corporation within a period stipulated time by this Court.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.4 & R.5

ORDER

Heard both sides.

2.The petitioner seeks permission to erect the petition mentioned party flag at the petition mentioned site. When a similar prayer was made in W.P(MD)No.4310 of 2024 (P.Suresh Vs The District Collector & Others), it was disposed of by me on 23.02.2024 in the following terms:



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“5. We are a democracy and the authorities must have an uniform approach. Either they permit all the recognised political parties to install flag poles in the given site or they do not permit any of them. The authorities cannot be selective or discriminatory. The petitioner is permitted to approach the third respondent again tomorrow(24.02.2024) at 11.00 am. The third respondent will ascertain the views of the revenue authorities as well as the jurisdictional Block Development Officer and also the Panchayat president. If any decision is arrived at to remove the flag poles of all the political parties, the impugned order will hold good and the petitioner also will have to be denied permission. If the flag poles of other political parties are not proposed to be removed, then the petitioner has to be granted permission as sought for. Hoardings and flex boards shall not be permitted. The relief granted in the writ petition is only in respect of flag pole alone. This writ petition stands disposed of accordingly in the above lines. No costs. ”

I am inclined to adopt the very same approach in this case also. The concerned / competent authority shall dispose of the petitioner's application within a period of seven days from the date of receipt of a copy of this order. The competent authority will bear in mind the direction issued in the aforesaid writ petition.



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3.This writ petition is disposed of accordingly. There shall be no order as to costs.

15.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

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5.The Inspector of Police,
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G.R.SWAMINATHAN,J.

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