

**IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN**

Wednesday, the 24<sup>th</sup> day of August 2022 / 2nd Bhadra, 1944  
WP(C) NO. 1671 OF 2021(H)

**PETITIONER:**

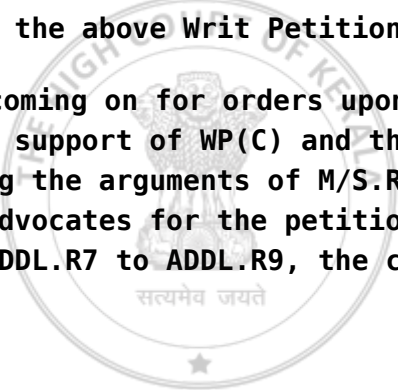
**THE MANNAM SUGAR MILLS CO-OPERATIVE LTD., REPRESENTED BY ITS  
MANAGING DIRECTOR, DR. THULASEEDHARAN NAIR, MSM (P.O), PANDALAM,  
PATHANAMTHITTA-689 501.**

**RESPONDENTS:**

- 1. DEPUTY SUPERINTENDENT OF POLICE, OFFICE OF DEPUTY SUPERINTENDENT OF  
POLICE, PANDALAM, MSM P.O., PATHANAMTHITTA-691 014. AND OTHERS**

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the respondents 1 and 2 to afford adequate and effective police protection for the removal of all flag masts erected in front of the roundabout of the light tomb within such time fixed by this Hon'ble Court, pending disposal of the above Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 03.08.2022 and upon hearing the arguments of M/S.R.T.PRADEEP, V.VIJULAL, M.BINDUDAS & K.C.HARISH, Advocates for the petitioner and GOVERNMENT PLEADER for R1, R2, R3 & ADDL.R7 to ADDL.R9, the court passed the following :



**DEVAN RAMACHANDRAN, J.**

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**WP(C)No.1671/2021**  
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Dated this the 24<sup>th</sup> day of August, 2022

**ORDER**

The learned Additional Advocate General – Sri.Ashok M. Cherian, instructed by Sri.T.S.Shyam Prasanth – learned Government Pleader, reiterated that no new permanent flag-posts have been allowed to be erected in the State of Kerala. He submitted that, as regards the old ones, as he had submitted earlier, it requires certain amount of diplomacy and tact to deal with it, since it may lead to law and order issues.

2. I must say that the afore submissions have been made before this Court ever since this Writ Petition began to be considered. Though two circulars have been placed on record, they relate not to permanent flag-masts, but removable flex boards and banners/flags.

3. As far as permanent flag-masts are concerned, as this Court has been emphasizing in the past, they will have to be construed as being illegal, since they are put up on public places

and 'purambokku' area without permission. Going by the Land Conservancy Act, any such construction or erection is illegal, which warrants imposition of penalties and such other action. However, solely because they are put up by powerful interests, including political parties, Trade Unions and such other entities, the competent Authorities are either non-willing or afraid to act.

4. Therefore, it is only if the Government shows their will, can there be a change, particularly if we want to foster a new Kerala.

That said, since the learned Additional Advocate General seeks further time and hoping that the Government will come out with a policy of removing the old masts and inhibiting erection of new ones, I adjourn this matter to be called on 22.09.2022.

Sd/-

**DEVAN RAMACHANDRAN,**  
**JUDGE**

RR/24.08.2022