

DEVAN RAMACHANDRAN, J.

W.P.(C)Nos.1671/2021 & 16965/2022

Dated this the 3rd day of August, 2022

O R D E R

A new Circular, dated 02.08.2022, is stated to have been issued by the Additional Chief Secretary in compliance with the directions of this Court dated 07.07.2022.

Sri.S.Kannan – learned Senior Government Pleader, submitted that the aforementioned Circular, read with Circulars dated 06.05.2022 and 05.07.2022, covers the field exhaustively and that no flags/festoons/boards/banners and such other will henceforth be permitted on any pedestrian rail, centre medians or traffic islands. He added that steps will be taken by the Secretaries of Local Self Government Institutions to remove them, if it is found in future.

Interestingly, the Circulars above mentioned relate to boards, flags, banners etc. which are removable and not permanent. This Court is already considering issues relating to the same in another batch of Writ Petitions, namely WP(C)No.22750/2018 and

connected cases.

However, what is noticed in this case, as evident from earlier orders, is with respect to the permanent flag-masts that are found very common in almost every streets and traffic junctions of Kerala, which are put up by various entities, including Unions of autorikshaws/taxis, political parties and such other. The Circulars above mentioned do not deal with this at all.

As this Court has been reminding the Government consistently, including through the order dated 12.10.2021, one fails to understand how a person can put up a permanent flag-mast in a public space or 'purambokku' area without any permission. Such installations, if put up by any other person, would have invited action from the competent Authorities under the various penal laws, including the Land Conservancy Act. However, when such are put up by political parties, Unions and such other, a blind eye is often what it attracts and nothing else.

Going by the facts of this case also, the impugned permanent installation was almost in the centre of a road. It is submitted that the same has been removed under the orders of this Court.

In fact, the petitioner in WP(C)No.16965/2022 has produced Ext.P2(a) photograph to show how such permanent flag-masts can create havoc to drivers of vehicles and pedestrians; but citizens are unable to respond against the same, for fear of retribution. The tendency of vested interests to place flag-masts wherever they want certainly must be arrested, since this is a nation which is ruled by law.

Obviously, therefore, the Government has to inform this Court how and in what manner the existing permanent flag masts on various roads and public spaces will be dealt with. I also record the submission of Sri.S.Kannan that, as regards any new masts, it will be done only subject to permission being granted and that too, after following all requisite procedures under various laws, including the Land Conservancy Act.

I, therefore, in deference to the request of time as made by the learned Government Pleader – so as to enable the learned Additional Advocate General – Sri.Ashok M. Cherian to appear – adjourn this matter to be called on 24.08.2022; within which time, this Court expects the Government to answer the afore observations, specifically clarifying that what is in question in this case are not flex boards/flag-masts/banners, but the permanent flag-masts that have been or are put up by vested interests without any care for law and without obtaining any permission.

An appropriate proceedings/circular shall be issued by the competent Authority in this regard, particularly within the ambit of Land Conservancy Act, suggesting the manner and mode under which the existing illegal permanent flag-masts will be regulated and removed.

H/o

Sd/-

RR/03.08.2022

DEVAN RAMACHANDRAN,
JUDGE