



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD).No.15931 of 2020

V.Ramesh

... Petitioner

Vs.

1. The Vice Chancellor
Dr. Ambedkar Law University
DGS, Dinakaran Salai
Raja Annamalaipuram
Chennai – 600 028.

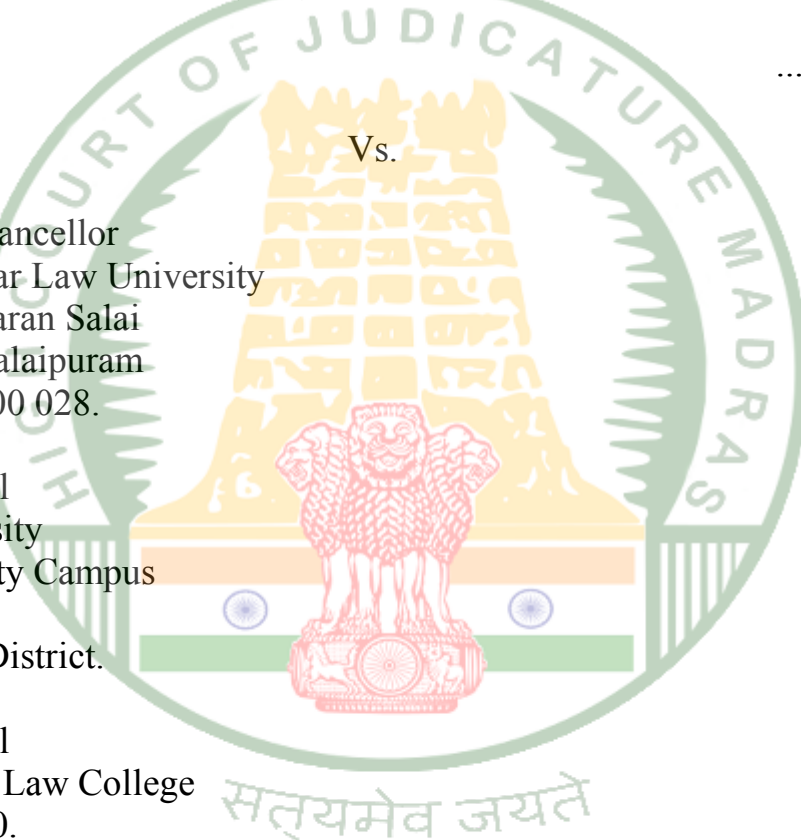
2. The Principal
Prist University
Prist University Campus
Arasanur
Sivagangai District.

3. The Principal
Government Law College
Madurai – 20.

4. The Superintendent of Police
Collectorate
Sivagangai District.

5. The Commissioner of Police
Madurai City
Madurai.

6. The Superintendent of Police
Madurai.



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7. The Home Secretary
Tamil Nadu Government
Tamil Nadu Secretariat, Chennai.
8. The Director General of Police
Tamil Nadu Police, Beach Road
Chennai.
9. The Chairman
Bar Council of India
New Delhi.
10. The Chairman
Tamil Nadu Bar Council
High Council Campus
Chennai.
11. The Chairman
11. The Chairman
JAAC Committee
No.6, Hosur Road
Opposite to Police Commissioner Office
Coimbatore – 18.
12. The Chairman, Mr. S.K.Vel
Tamil Nadu Pondicherry Advocate Federation
Office at Namakal Bar Advocate Association
Tamil Nadu.
13. The President /Secretary
Madras High Court Campus
Advocate Association, MBA
Chennai.
14. The President /Secretary
Women Advocate Association
Madras High Court Advocate Association
Madras High Court Campus
Chennai.



15. The President /Secretary
Women Advocate Association
Madras High Court Advocate Association
Madras High Court Campus
Chennai.

16. The President /Secretary
Madurai Bar Association (MBA)
Madras High Court of Madurai Bench
Madurai Bench Campus
Madurai.

17. The President /Secretary
Madura Bar Association (MBHAA)
Madras High Court of Madurai Bench
Madurai Bench Campus
Madurai.

18. The President /Secretary
Madurai Bar Association (MBHAA)
Madras High Court of Madurai Bench
Madurai Bench Campus
Madurai.

19. The President /Secretary
Women Advocate Association
Madras High Court of Madurai Bench
Madurai Bench Campus
Madurai.

20. The President /Secretary
Madras High Court of Madurai Bench
Madurai Bar Association (MAHAA)
Madras High Court of Madurai Bench
Madurai Bench Campus
Madurai.

21. The President /Secretary



Madurai District Court (MBA)
Madras High Court of Madurai Bench
Madurai Bench Campus
Madurai.

... Respondents

*[R7 to R21 are suo motu impleaded vide Court order dated 11.11.2020
made in W. P. (MD) No.15931 of 2020 by NKKJ and BPJ]*

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Respondent Nos. 1 to 3 to take necessary steps to prevent the students misusing the Advocate stickers and further directing the respondent Nos. 4 to 6 to register the case against the person who are all misusing the Advocate sticker by way of sticking Advocate stickers in their vehicles, based on the petitioner's representation dated 14.10.2020.

For Petitioner : Mr.M.Sarangan
For Respondents : Mr. Suresh Babu
(For Bar Council of India)
Mr. K.K.Mahes Raja (For R2)
Mr. Durai Pandian Somasundaram
and
Mr. Mohanakrishnan (For R13)

ORDER

(Order of the court was made by Mr.N.KIRUBAKARAN.J.,)

The speeding car did not stop inspite of the signal from the police to stop the vehicle. The police chased the car in which an advocate sticker was pasted. Finally, the car was blocked. The search made by the police yielded heavy quantity of Ganja and one of the revenue officials was also seated in the



vehicle. It happened two to three years ago in Theni. That is how the vehicles having party flags, portraits of leaders, advocate and press stickers are said to be involved in criminal activities. The purpose of having party flags or designation boards or portraits of party/communal leaders or advocate/press stickers is only to keep away the police from stopping the vehicle even in case of violation of road rules. It has become an order of the day in Tamil Nadu that almost 50% of the vehicles either have party flags or designation boards or portraits of party/communal leaders or advocate/press stickers. This menace has to be addressed failing which the criminal activities will continue to be committed by the above modus operandi.

2. This case has been filed as a Public Interest Litigation at the right time seeking a writ of mandamus directing the respondents to install the Highways properly and maintain the same and remove the unauthorized LED lights, coloring lights put up in all vehicles, including heavy transport vehicles. Since this matter relates to disciplining the motor vehicle owners, this Court has taken this opportunity and has tried to deal with the issues raised in the first paragraph.

3. It is the specific case of the petitioner that high mast lights have to be erected in the National Highways and he had specifically stated that the high



mast lights put up at Melur, Madurai and Melur to Trichy Highways are not properly maintained. It is the duty of the concerned authorities including the National Highway Authorities to erect high mast lights in the National Highways and maintain it properly. The vehicle population has got increased over the years resulting in increase in traffic at National Highways. Due to technical advancement, vehicles are moving round the clock for various reasons and therefore, to avoid an untoward incident like accident, it is the responsibility of the authorities especially the National Highways authorities to have high mast lights erected so that the roads will be properly lit.

4. Many accidents are occurring inspite of four way roads compared to the time when only single road was in use. Since four way lanes have been laid, it is very difficult for humans and animals to cross the intersection and many accidents are reported at the intersections as the vehicles which are coming at high speed are unable to see the intersections. Though it is stated in paragraph 7 of the affidavit filed by the 7th respondent that Zebra Crossing and sign boards are erected at the intersections, more accidents continue to occur at intersections even today. Therefore, appropriate measures such as blinkers, barricades and high mast lights should be placed at intersections to warn the drivers to control the speed of the vehicles. It is a fact that more than 60% of the accidents occur because of the speeding vehicles. When that is the position, more precautions



have to be taken and the intersections should be illuminated by placing high mast lights and blinkers. Even though blinkers are placed at the intersections, more barricades have to be placed to reduce the speed of the vehicles.

5. The petitioner contends that the vehicles either two wheelers or three wheelers or four wheelers are having more LED lights or coloured lights in the front side of the vehicle beaming brightly causing nuisance to the vehicles coming in the opposite direction. The use of high beam lights make the drivers coming in the opposite direction to lose control over the vehicle because of the heavy light affecting their eyes, ultimately resulting in accidents. Therefore the said issue has to be addressed by directing the authorities to remove all unwanted LED lights and coloured lights from the vehicles over and above the lights as permissible under the relevant rules.

6. The other issue raised is that the National Highways Authorities and its concessionaires had failed to take necessary steps to install high mast lights, flickering lights and cat eye lights in the highways properly to indicate the signals and to show that there are speed breakers, intersections etc so that the motorists would slow down the vehicle to avoid accident and for smooth flow of traffic on the road.



7. Highlighting the above issues, the petitioner gave a representation on 28.03.2019. Since the said representation has not been considered and no order came to be passed, the petitioner has come up before this Court by filing the present writ petition.

8. When the matter came up before this Court on 22.04.2019, this Court raised the following queries:-

(i). Whether the vehicle owners are permitted to have halogen lights, Chinese lights and high beam lights in their vehicles?

(ii). Whether the motor vehicle owners can have Flags in their cars and the names of the Political Parties to which they belong, being pasted on the glasses?

(iii). Whether the vehicle owners are entitled to have tinted glasses?

(iv). Whether the vehicle owners can display the photographs or portraits of the political leaders in their cars?

(v). Whether the vehicle owners are entitled to have boards in their cars according to their whims and fancies?

(vi). What is the permitted size and number of lights in each of the vehicle viz., two wheelers, autos, four wheelers and other vehicles?

(vii). Whether the number board of the vehicles could be changed as per the wishes of the owners?



An affidavit has been filed on behalf of the 5th respondent/Director General of Police and 7th respondent/National Highways Authority of India.

The learned Special Government Pleader produced a communication dated 22.04.2019 received from the Regional Transport Officer answering the queries raised by this Court on 22.04.2019.

9. Heard the parties and perused the records.

10. It is seen from the reply given by the Regional Transport Authority that the LED head lights are fitted in the two wheelers and four wheelers only with prior approval of ARAI. All manufacturers of the motor vehicles need to obtain approval from ARAI for each and every new model. Other than the head lights, one more LED light in two wheelers and two more LED lights in four wheelers are fitted by the manufacturers. It is called as running lights. Whether the vehicle starts to move or moving can be identified by the opposite vehicle driver, thereby avoiding accidents. Running LED lights are also approved by ARAI.

11. It is very clear that the lights which are fitted in the vehicles should not



be very powerful which may affect the eyes of the drivers operating the vehicles which are coming in the opposite direction. That is the reason why the bulls eye or black spot are used to be fixed in the center of the head lights. However, nowadays no vehicle owner is using it and the authorities, either the RTO or police officials are not checking the vehicles to ensure that the bulls eye is placed in the head lights. Because of the absence of bulls eye in the center of the headlights, the high beam light affects the visibility of the drivers of the vehicle coming in the opposite direction which makes them lose their vision momentarily resulting in the accidents. Therefore, the fixing of high beam lights should be prohibited.

12. Whatever may be the clearance obtained from the ARAI, the fixing of the lights should be in accordance with law as per the Motor Vehicle Rules. Lights more than the one allowed under the relevant rules or laws should be prohibited failing which accidents would continue to be caused because of the danger caused by the high beam lights. Life is more precious that this kind of ornament lights would not serve any purpose.

13. With regard to the rights of the vehicle owners to have a flag or designation board or portrait of party/communal leaders or stickers are concerned, it is stated by the transport authorities that there is no provision



under the Motor Vehicle Act for the above issues. An affidavit has been filed on behalf of the Director General of Police taking the very same stand as taken by the transport authorities.

14. With regard to the difficulties faced by the police with regard to the fixing of the flag or designation board or portrait of party/communal leaders or stickers are concerned, it has been stated in the affidavit filed by DGP as follows:

Reply: (1).During vehicle checks, Policemen hesitate to stop and check vehicles which are fitted with party flags and designation boards of any type since no specific provisions in the MV Act and Rules are available, instances of heated arguments, sometimes resulting in Law and Order problems have been noticed. Fitting of flags and designation boards in the vehicles is direct message to deter Police officials from vehicle checks. This perception as a result, influences the mind of Policemen conducting vehicle checks and acts as a hindrance to carry out their lawful duties.

(2).Further illegal and unlawful activities may be carried out by antisocial and rowdy elements in any guise which may go unchecked by the Police personnel.

From the above, it is clear that fixing of flags, whatever may be the nature of the flags including party flags, organization flags etc., are not authorized by law and rules and therefore, they are all illegal. The difficulties faced by the police



are also expressed in the affidavit stating that the police may hesitate to stop and check the vehicles which are fitted with party flags and designation boards and the drivers as well as those who are traveling in those vehicles enter into heated arguments with the police resulting in law and order problem. As per the extract in the preceeding paragraph, the Director General of Police stated that fitting of flags and designation boards in the vehicles is a direct measure to deter the police officials from vehicle checks and it also deters the policemen from discharging their duties.

15. Director General of Police has stated about misuse of stickers in Para 6 and 7 of the status report, which are extracted as follows:-

“6. It is submitted that from the employees of a printing press to the newspaper agents, all are flaunting with a 'Press' stickers in their vehicles, which has now become an easy trick to evade from the law. The migrants from other States to Tamil Nadu, with the intention to avoid police checking affix the 'Army' stickers on their vehicles. And the 'Advocate' stickers' are normally misused by the public and the college students to evade from police check posts and in the police checking for helmets, licences and other documents and these stickers are easily available in the market for as low as Rs.15/- for anyone to purchase and paste it on the windscreen of their cars or motorcycle's mudguard or number plates in common.

7. It is submitted that as per the Chennai City traffic police statistics, in the year of 2018, 28,682 cases were booked and in



the year of 2017, 44,300 cases were booked for the violation of defective number plates in all types of motor vehicles.”

16. More importantly, it has been stated that the illegal and unlawful activities are carried out by antisocial and rowdy elements only by using party flags as the vehicles go unchecked by police personnel. As stated by the Director General of Police, vehicles are fitted with party flags and name boards of political/communal organization and pasting of party symbols and displaying of photographs of party leaders on the dashboard of the vehicle etc only to avoid police checks. It is reported in the newspapers that many vehicles fitted with party flags or designation boards or portraits of party/communal leaders or advocate/press stickers are seized by the police for transporting illegal arms and contraband etc., In many cases, the parties use the vehicles fitted with party flags or designation boards or portraits of party/communal leaders or advocate/press stickers only to indulge in illegal or antisocial activities. Therefore, the police must conduct vehicle checks irrespective of the party flags or designation boards or portraits of party/communal leaders or advocate/press stickers. This Court can understand the necessity of having flags at the time of elections. In normal circumstances, there is no necessity for the vehicle owners/users to fix/have either the party flags or designation boards or portraits of party/communal leaders. Therefore, if at all, the vehicle owners may be permitted to fix the party flags on their vehicles from the date of declaration of



election till the date of declaration of the results, if they are involved in the election work of any political party. At other times, no one has got any right except the constitutional authorities to sport flags or name boards.

17. No one has got any right to flout the law or to commit excesses which are not sanctioned by law. The act of having flags or designation boards or portraits of party/communal leaders or advocate/press stickers is to show that they are privileged sections of the society and to flout the law Section 177 of MV Act 1989 indirectly prohibits use of stickers of any kind on any part of the vehicle. It is also pointed out by the Director General of Police that the vehicles with party flags or designation boards or portraits of party/communal leaders or advocate/press stickers are generally flouting the traffic rules and they do not even respect the signals of the policeman. It is only in the case of emergency, the ambulance and fire vehicles are allowed to go fast even if there is red signal to save the precious lives and to avoid damage to the properties and not any other vehicles. No vehicles can violate the traffic signals which are functioning to regulate the traffic to avoid accidents and for smooth movement of vehicles. Therefore, it is the duty of every vehicle owner/driver to follow the traffic rules and no one can violate the traffic rules taking advantage of their political or social status.



18. This Court also raised queries with regard to the rights of the owners of the vehicles to have tinted glasses. The Hon'ble Supreme Court had already declared that the vehicles cannot have tinted glassed as criminal activities are said to have been carried out in the vehicles having tinted glasses. In spite of the order passed by the Hon'ble Supreme Court in *Avishek Goenka -vs- UOI*, reported in 2012 (5) SCC 321, many vehicles including the Government vehicles are having tinted glasses which is nothing but a violation of the order passed by the Hon'ble Supreme Court.

Portraits

19. Though the portraits of the leaders are fixed on the dashboard, those portraits are placed only facing outside only with an intention to give a message that the vehicle is possessed or driven by a party man and the police cannot intercept. If anybody wants to admire or display the portraits of leaders, they can fix the portraits facing them inside the vehicle and not outside. Though it is the right of the owners to have portraits, the intention of the owners is only to deter the policemen from discharging their duties.

Number Plate

20. This Court raised query No.VII with regard to the entitlement of the owners to have the number plate according to their choice. The Motor Vehicle



Rules permits the owners to have the number boards in the particular size and the number should also be in the prescribed sizes. However, the numbers are written either in a zig zag manner or in different sizes and colours contrary to the Rules. It will lead to a confusion to the public and some times some letters are written very small and in case of any accident or misbehavior of the drivers or disobedience of the police command or violation of the road rules, it is very difficult for the public as well as the police to find out the number of the vehicle and register a case.

High Mast Lights

21. Though it is stated in paragraph 8 of the Counter Affidavit that only the initial service connection charges for the lighting facilities are borne out by the National Highways and it is the duty of the concerned local bodies to maintain the facilities including the payment of electricity consumption charges, it is the duty of the National Highways Authorities to ensure that proper lighting facilities are available throughout the highway stretch and to coordinate with the local bodies in case of any problem. The National Highways authorities cannot shirk its responsibility stating that the maintenance of lighting facilities is the duty of the local bodies. If there is a failure on the part of the local body, the officials of the NHAI should act immediately and ensure that the lighting facilities is restored as early as possible by taking appropriate remedial



measures.

Plantation

22. The petitioner would also contend that trees are not planted and maintained by the National Highways Authorities and its concessionaires, after cutting the same for expansion of the highway roads. With regard to the median plantations, it is stated by the NHAI that though NHAI is planting many trees, the growth and survival of the trees depend upon many factors including the climatic conditions. However, it is seen that though the plantations are done, it is not properly maintained by watering and manuring the plantations at regular intervals. Already, the world is facing global warming due to deforestation. Because of indiscriminate felling of trees, the ozone layer has got depleted resulting in many negative consequences on the earth. Therefore, it is the duty of the every human being to see that the trees are properly maintained. Hence, the NHAI cannot shirk its responsibility stating that the growth and survival of the trees depends upon many factors. The NHAI has to form a separate wing consisting of experts such as botanists and environmentalists and to get their advice in planting and maintenance of trees in each place depending on the climatic conditions that prevail in that area.

23 This Writ Petition is disposed of with the following directions:-



- (1) There shall be a direction to the Transport authorities to check whether the lights are fixed in accordance with the rules at the time of registration of the vehicle or at the time of issuance of the FC.
- (2) The police authorities should randomly conduct vehicle checks to ensure that the lights are fixed only as per the rules and if found to be in violation of the rules, the vehicles should be seized or the lights should be removed.
- (3) There shall be a direction to the Director General of Police, Home Secretary, Transport Secretary to instruct the owners of the vehicles to remove the tinted glasses within a period of 60 days failing which the Respondents shall seize the vehicles.
- (4) The Respondents are directed to instruct the owners of the vehicles to remove the portraits/photos which have been fixed on the dashboard facing outside within a period of 60 days, failing which the Respondents shall remove the photos and fine the vehicle owners.
- (5) There shall be a direction to the authorities to direct the owners of the vehicles to fix the number plate as per the size prescribed in the Motor Vehicle Rules within a period



of 60 days.

- (6) The National Highways authority is directed to install the high mast lights wherever it has not been erected and carry out the repair work in the places where it is not properly functioning at the earliest.

No costs.

[N.K.K., J.] [B.P., J.]

19.08.2021

Maya

Internet : Yes

Index : Yes

Speaking /Non-speaking order

To

1. The Superintendent of Police
Collectorate
Sivagangai District.
2. The Commissioner of Police
Madurai City
Madurai.
3. The Superintendent of Police
Madurai.

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N.KIRUBAKARAN, J.
and
B.PUGALENDHI, J.

Maya

4. The Home Secretary
Tamil Nadu Government
Tamil Nadu Secretariat, Chennai.

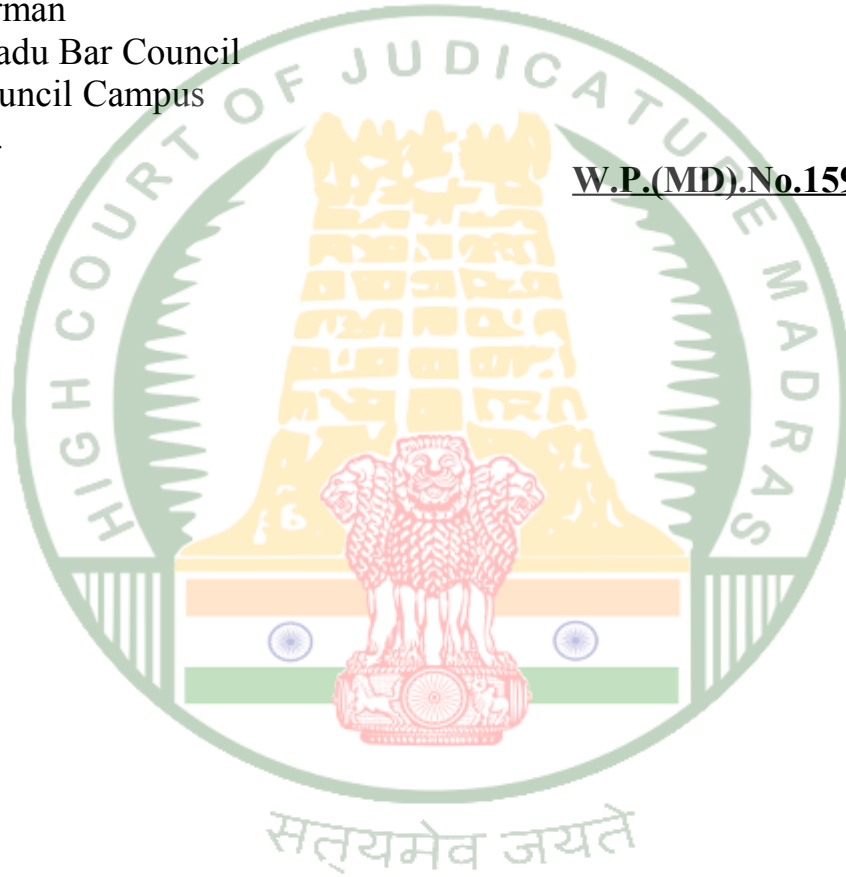


W.P. (MD) No. 15931 of 2020

5. The Director General of Police
Tamil Nadu Police, Beach Road
Chennai.

6. The Chairman
Bar Council of India
New Delhi.

7. The Chairman
Tamil Nadu Bar Council
High Council Campus
Chennai.



W.P.(MD).No.15931 of 2020

Dated : 19.08.2021

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