

**Devan Ramachandran, J.**

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W.P (C) No.1671 of 2021  
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**Dated this the 15<sup>th</sup> day of November, 2021**

**O R D E R**

Shri.S.Kannan, learned Senior Government,  
has today filed a Memo enclosing a report from the  
8<sup>th</sup> respondent - Additional Chief Secretary,  
Revenue Department.

2. Amazingly, as per this report, Kerala has  
at least 42337 flag masts on its roads, though it  
does not say whether these are illegal or  
otherwise. Going by the inputs available to this  
Court, I will not be surprised if none of them  
have obtained any permission under the applicable  
statutes; and if that be so, none of them could  
have been installed at the places where they are  
presently found, namely on road margins and even  
on the pedestrian paths.

3. The situation is alarming because, even  
by a very conservative estimate, the number of  
flag posts are a mind boggling 42337, which I am  
certain would not be the accurate figure, if an

exhaustive enumeration is done and perhaps it may be even double this or more than that.

4. The learned Senior Government Pleader submits that the Government is now looking into this issue very seriously and that the action is proposed with respect to illegal flag masts will be placed before this Court in the next ten days, adding that he is requesting this time because the Cabinet of Ministers has not been able to meet on account of the ongoing Legislative Assembly proceedings. He nevertheless added that if the flag masts and posts have been installed and erected without due permissions, necessary action against them will become warranted under various statutes.

5. Though I propose to accede to the afore request for time made by Shri.S.Kannan and adjourn this matter to be called on 25.11.2021; the order issued by this Court, that no new illegal flag masts or flag posts will be allowed to be erected in any part of the State will continue to be in force until further orders and the competent

Authorities shall ensure this implicitly.

6. As far as the flag posts already on the public spaces and streets are concerned, I am certain that action should be taken under every applicable law, including the Kerala Land Conservancy Act and the perpetrators mulcted with the maximum punishment under it, including by way of penalties; unless they remove the flag posts on their own and without official action being initiated, by the next posting date.

7. These directions shall be given due publicity by the Government, so that those entities or individuals who are desirous of acting as per law can obtain one opportunity of removing the illegal structures on their own without the might of law being brought against them in due course.

List this case on 25.11.2021.

Sd/-

**DEVAN RAMACHANDRAN**  
**JUDGE**

H/O  
MC