



W.P.No.26317 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.26317 of 2023

Dr.Krithika B

.. Petitioner

Vs.

1. The Addl. Chief Secretary
Home Department
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
2. Principal Secretary/Transport Commissioner
Transport Commissionerate and State
Transport Authority
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.
3. Additional Chief Secretary to Government
Transport Commissionerate and State
Transport Authority
Government of Tamil Nadu
Secretariat, Fort St. George
Chennai 600 009.



W.P.No.26317 of 2023

WEB COPY

4. The Commissioner of Police
No.132, Commissioner Office Building
KVK Sampath Road, Vepery
Periyamet, Chennai 600 007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents 1 to 4 to remove the stickers and other artifacts containing "Emblem", "G", "Govt of India", "Government of Tamil Nadu", "High Court" and "Police" in all private vehicles within the jurisdiction of this Hon'ble Court and take all/any necessary action.

For the Petitioner : Mr.Ajay Francis Inigo Loyola

For the Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader
for Respondents 1 to 3

Mr.R.Muniapparaj
Additional Public Prosecutor
Assisted by
Mr.C.E.Pratap
Government Advocate
for Respondent-4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.Ajay Francis Inigo Loyola, learned counsel for the petitioner, Mr.K.M.D.Muhilan, learned Additional Government Pleader for the respondents 1 to 3 and Mr.R.Muniapparaj, learned Additional Public Prosecutor, assisted by Mr.C.E.Pratap, learned



W.P.No.26317 of 2023

WEB COPY Government Advocate for the fourth respondent.

2. Learned counsel for the petitioner submits that large number of persons are misusing the stickers and other artifacts containing "Emblem", "G", "Govt of India", "Government of Tamil Nadu", "High Court" and "Police" on private vehicles, without authority. Directions be given to the respondents to remove such stickers and artifacts from private vehicles and necessary action be taken against the erring persons.

3. Learned Single Judge of this Court, in W.P.No.14697 of 2014, under order dated 05.01.2022, has issued the following directions:

"64. Though, the writ petitioner is able to establish that the National Emblem has been misused by the Ex-Member of Parliament for the purpose of registering a complaint against the original writ petitioner, no relief needs to be considered as the original writ petitioner died. Considering the inaction on the part of the State Government with reference to the letter issued by the Ministry of Home Affairs to the Government of Tamil Nadu dated 12.06.2023, this Court has considered the



W.P.No.26317 of 2023

WEB COPY

issues raised by the petitioner and is inclined to pass the following orders:

(i) The 5th respondent/the Director General of Police, Tamil Nadu is directed to issue wide publications through Visual Media and Press Media, providing an opportunity to all concerned to remove all kind of unauthorised usage of Flags, Emblems, Names, Symbols, Stickers, Seals, etc., within a period of one month, from the date of such publication.

(ii) The 5th respondent is directed to register cases under the provisions of the Act, on expiry of the said period of one month and prosecute the offenders by following the procedures as contemplated under law.

(iii) The respondents 3 to 5 are directed to sensitise the competent authorities/Police officials for the purpose of securing informations regarding misuse of Flags, Emblems, Stickers, Names, etc., and in the event of any violation on the part of the law enforcing officials strict actions are to be taken against such officials, for dereliction of duty.

(iv) The 5th respondent is directed to instruct the Subordinate Police officials across the State of



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W.P.No.26317 of 2023

Tamil Nadu to register cases under the provisions of the Act and Rules, in the event of receiving information from any person and by verifying/investigating the genuinity of the informations and complaints.

(v) The 5th respondent/the Director General of Police, Tamil Nadu is directed to issue appropriate circular/instructions for implementation of Act and Rules, to all the Subordinates/Police officials, within a period of two weeks from the date of uploading of this order copy in the official website of the High Court. The instructions to be issued shall contain the procedures to be followed for registration of cases by the competent authorities, in consonance with the Act and Rules.”

4. The directions given by the learned Single Judge in the aforesaid order would take care of the grievance raised by the petitioner in the present writ petition also.

5. Learned Additional Public Prosecutor submits that pursuant to the said order, a Circular Memorandum has been issued on



W.P.No.26317 of 2023

19.01.2022, for implementation of the aforesaid order.

6. According to learned Additional Public Prosecutor, orders are issued and actions are being taken against the erring persons. Till date, 104017 private vehicles containing stickers and artifacts containing "Emblem", "G", "Govt of India", "Government of Tamil Nadu", "High Court" and "Police" were detected. The same were directed to be rectified and a fine of Rs.16,56,000/- was imposed on those erring persons.

7. Monitoring and survey of such vehicles is a continuous process. The respondent authorities are bound to ensure that the stickers and artifacts containing "Emblem", "G", "Govt of India", "Government of Tamil Nadu", "High Court" and "Police" and such other institutions, are not being misused and upon detection of the same, action is required to be taken by the authorities.

8. It is assured by learned Additional Government Pleader that the State authorities would take stern action against the erring



W.P.No.26317 of 2023

WEB COPY

persons. It is the responsibility of the State authorities to ensure that the number plate stickers of the private vehicles are not in contravention of the Rules, Regulations and Executive Instructions.

9. With these observations, the writ petition stands disposed of.

There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

20.09.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

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Page 7 of 9



W.P.No.26317 of 2023

WEB COPY

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WEB COPY



W.P.No.26317 of 2023

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W.P.No.26317 of 2023

20.09.2023

Page 9 of 9