

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-08-2026

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THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP CrI. No. 2089 of 2026

and

WPMP.CrI.No.757 of 2026

1. J.Ramesh Kumar
S/o. R.K. Jagadesh, SF-1, Marutham Hall
Mark, S.N.D. Layout, 3rd Street, Tatabad,
Coimbatore 641 012.

Petitioner(s)

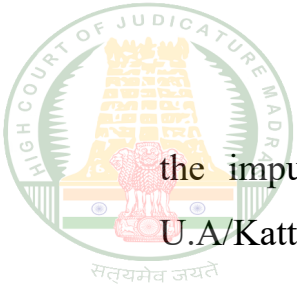
Vs

1. The State of Tamil Nadu,
Rep by its Secretary
Home Department, Fort St. George,
Chennai-600 009.
- 2.The Director General of Police
Tamil Nadu, Mylapore, Chennai-600 004.
- 3.The Commissioner of Police
Coimbatore, 641 018.
- 4.The Assistant Commissioner of Police
Katoor Circle, Coimbatore Mahanagar,
Coimbatore 641 018.
- 5.The Inspector of Police
C1-Katoor Circle (M) O Police Station,
Coimbatore 641018.

Respondent(s)

PRAYER

To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to



the impugned proceedings of the fourth respondent bearing Na.Ka.No.23 U.A/Kattur Division/Ko Ma dated 12.08.2026, quash the same and consequently direct the respondents to grant permission to the petitioner to conduct the Tricolour Flag Yatra on 13.08.2026 from 4.00 p.m. to 7.00 p.m. along the alternate route proposed in the representation dated 11.08.2026, subject to such reasonable conditions as may be imposed by the respondents in accordance with law and thus render justice.

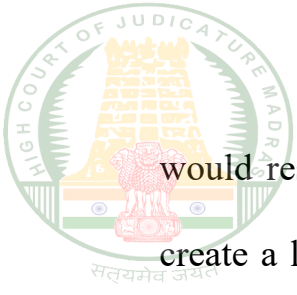
For Petitioner(s): Mr.A.Kumaraguru

For Respondent(s): Mr.Arun Anbumani
Counsel for Government of
Tamil Nadu (Crl.Side)

ORDER

Heard Mr.A.Kumaraguru for petitioner and Mr.Arun Anbumani for respondents.

2.The petitioner claims to be a member and the Coimbatore District President of the Bharatiya Janata Party (hereinafter referred to as BJP). It is his plea that the BJP is proposing to conduct various programmes throughout the country as a part of the celebrations connected with the Independence Day. The petitioner's unit proposed to conduct a Tricolor Flag Yatra in Coimbatore City on 13.08.2026. In pursuance to this proposal, the petitioner sought permission from the 3rd respondent to commence the Flag Yatra from 04.00 PM to 07.00 PM on 13.08.2026. The said application was rejected by the 3rd respondent stating that the route proposed by the petitioner if adopted for the Flag Yatra,

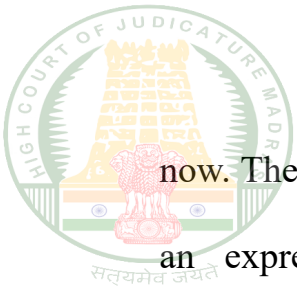


would result in breach of peace, cause inconvenience to the public as well as create a law and order problem. It was further recorded in the impugned order that in case the petitioner applies to conduct his Flag Yatra from the Women Polytechnic College Junction to VOC Park, it could be considered.

3. In order to arrive at these conclusions, the 3rd respondent placed reliance upon G.O.Ms.No.5, Home (Police-VIII) Department, Government of Tamil Nadu dated 05.01.2026 (wrongly mentioned as G.O.Ms.No.8 in the impugned order) and the order passed by this Court in W.P.No.43333 of 2025, etc. batch dated 19.12.2025 and the proceedings of the District Collector, Coimbatore, in connection with the order of this Court as mentioned above. Aggrieved by the same, the present writ petition.

4. The counsel reiterated their contentions which they have placed in the affidavit and in the impugned order.

5. A perusal of the impugned order passed by the 3rd respondent reminds this Court of the famous incident on the banks of the Noyyal river in the old Coimbatore District, namely, as to how one திருப்பூர் குமரன் lost his life on account of upholding the Indian National Flag during the Independence Movement. India was then under the rule of men and not rule of law as it is



now. The British Colonial system could not accept a native could protest and as an expression of his nationalistic feeling to carry a flag and assert

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Independence. குமரன், also known as “கொடிகாத்த குமரன்” was mercilessly beaten up by the police and finally, he succumbed to injuries. Till the last moment, he refused to lay down the Flag. What physical assaults could not detest – prevent the Flag from being carried – is being done so under the impugned order. Fortunately, the courts and the Constitution are there to prevent it.

6. Fast forwarding the situation 79 years after this Country has obtained Independence, it is the intention of the petitioner to implement the policy that has been developed by his political party and respect the National Flag by taking out a rally. Irrespective of the party to which a person belongs, as long as he is under the protective Flag of this Nation, he is duty bound to respect it. There are legislations and a separate Flag Code which deals with this issue.

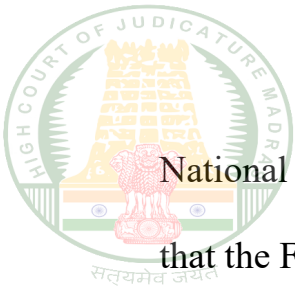
7. The denial of the permission to carry on a yatra, on the grounds of law and order, shocks the conscience of the Court.

8. The police also act and function under the protection of the Flag. As much as it is the duty of the petitioner and members of his political party and



other residents of this Nation to respect the National Flag, it is also the duty of the 3rd respondent, his superiors, peers and subordinates to respect the Flag. If a person wants to honor the National Flag, instead of putting obstacles in the way while offering such respect, it is expected that the police will swing all such support they can, with men and resources, and if possible, also join with them in respecting the Flag.

9. The right of an Indian to carry, hoist and respect the National Flag is deeply engrained in the Constitution of India. It is one of those unique positions in law, which makes it both a fundamental right and a fundamental duty. Carrying the Flag or flying it has been interpreted by the Supreme Court in ***Union of India v. Naveen Jindal and another, 2004 INSC 53***, as being a part of Article 19(1)(a) of the Constitution. The Supreme Court, speaking through V.N.Khare, CJ., held that the right to fly the National Flag is a fundamental right under Article 19(1)(a) and can be restricted only under the grounds found under Article 19(2). It was also pointed out that the Flag Code of India, 2002 is not a “law” within the meaning of Article 13(3)(a) of the Constitution and does not impose restrictions beyond those permissible under the Emblems and Names (Prevention of Improper Use) Act, 1950 and the Prevention of Insults to National Honour Act, 1971. Both these Acts are regulatory and not prohibitory. It is after this judgment that a citizen was able to enforce the right to hoist a



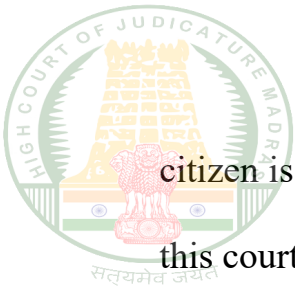
National Flag on his property on all days of the year. The only restriction being that the Flag has to be treated with dignity and respect.

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10. At this moment, I should also point out that while displaying the Flag is a fundamental right under Article 19(1)(a), it is also a fundamental duty under Article 51A(a) of the Constitution. This Article demands that every Indian citizen shall abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

11. The right to assemble peacefully is also a fundamental right under Article 19(1)(b). Reading Article 19(1)(a) along with Article 19(1)(b), a citizen has a fundamental right not only to hoist the National Flag, but also to carry it during peaceful processions or rallies, whatever may be the purpose or intent of the rally, as an expression of national sentiment, as claimed by the petitioner in this case or in other cases, perhaps to express dissent. While carrying the National Flag and going on a rally is both a fundamental right and fundamental duty, it is to be borne in mind that one man's right ends where another man's nose begins.

12. As discussed, if it is both a fundamental right and a fundamental duty of a citizen, the Police cannot arbitrarily restrict the same. When this right of the



citizen is interfered with by any of the State instrumentalities, Article 14 directs this court to strike down such actions.

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13. Mr.Arun Anbumani attempted to support the impugned order by referring to the order passed by the Division Bench of this Court in ***Tamilaga Vetri Kazhagam (TVK) v. The Director General of Police, W.P.No.43333 of 2025 etc.*** batch dated 19.12.2025 as well as G.O.Ms.No.5, Home (Police-VIII) Department, Government of Tamil Nadu, dated 05.01.2026.

14. I should point out that the writ petition in W.P.No.43333 and W.P.Crl.No.884 of 2025 came to be filed on account of the refusal by the police to grant permission for conducting political campaigns between September 2025 to December 2025.

15. Pending the writ petition, an incident of stampede took place in Karur, where members and public belonging to the writ petitioner's political party had lost their lives. Consequently, in order to arrive at a solution to the problems that are faced by the public during political rallies, the Supreme Court directed that the issue pertaining to formulation and implementation of SOP/ guidelines for political rallies be dealt with by the First Bench of this Court. Therefore, the writ petition, which had been filed before the Madurai Bench, was re-numbered



and it came up for hearing at the Principal Seat.

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16. The SOP which was evolved by the State of Tamil Nadu had taken into consideration only the views of the political parties. This is clear from the annexure that has been circulated by Mr.Arun Anbumani dated 25.09.2025. The political parties which were registered with the Election Commission of India and those who had sent their representatives to the State Legislatures and the Parliament alone were invited for such discussions. It was to deal with public gatherings during political rallies and the like.

17. Pursuant to the directions given by this Court on 19.12.2025, the State Government was called upon to take a decision on the suggestions and notify the finalized SOP on or before 05.01.2026. On 05.01.2026, the Government issued a SOP for regulation and management of public gatherings in the State of Tamil Nadu.

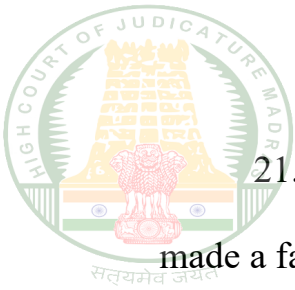
18. The purpose for issuance of the SOP is found in Clause No.1 of the said Government Order. The SOP recognizes the right of citizens to gather peacefully, but not in an unregulated manner which endanger life, public order and property. The Government Order further applies only when the expected number of participants exceeds 5000. This is clear from Clauses 3(a) and 3(d) of



the SOP. When the application filed by the writ petitioner does not state that more than 5000 persons are going to assemble in order to respect the National Flag, an attempt to apply the said Government Order, in this particular case, gives an impression as if the third respondent had proceeded on the assumption that the said SOP will apply for all rallies, irrespective of the strength of participants and rejected the proposal.

19.As pointed out, the purpose of the rally is to respect the National Flag. More the merrier should have been the principle rather than an attempt to prohibit or even restrict the number of persons who intend to participate. It is highly presumptuous that on an occasion respecting National Emblems and Flag, members of the BJP alone will participate.

20. The police have also apprehended that if the rally is taken, it will create inconvenience to the public in that locality. I find it extremely amusing that if few persons want to gather and pay homage to the Nation and its Flag, the police find that it causing inconvenience to the public. Perhaps, the police who have to remind the public, who are so inconvenienced that they also have to pay homage to their Nation's Flag.



21. Be that as it may, after making his submissions, Mr.Arun Anbumani made a fair suggestion that if the petitioner was to choose from any of the routes identified in Form I issued by the District Collector on 12.03.2026 pursuant to the SOP, the respondents will grant the necessary permission. Prior to making his suggestion, he has taken instructions of Mr.Gokula Krishnan, Assistant Commissioner of Police, Coimbatore, who is present in Court.

22. The matter was kept back to enable the parties to get instructions. Post lunch, when the matter was taken up for hearing, both Mr.A.Kumaraguru and Mr.Arun Anbumani submitted that Sl.No.236, that is the route from MTP Road ARC Junction to North Kovai Chinthamani Junction, had been chosen by the petitioner and the 3rd respondent accepts the same for the purpose of conducting a rally. The said fact is recorded. The rally shall be conducted on 18.08.2026 between 04.00 PM and 07.00 PM.

23. The impugned order is set aside. The police will pass consequential order pursuant to the understanding arrived at by the parties and recorded by this Court. It is hoped that in future, the police will ensure that the citizens are not driven to approach the Constitutional Courts in order to secure an order to pay homage to the Nation and its Flag.



24. With the above directions, this Writ Petition is disposed of.

Consequently, the connected miscellaneous petition is closed. No costs.

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

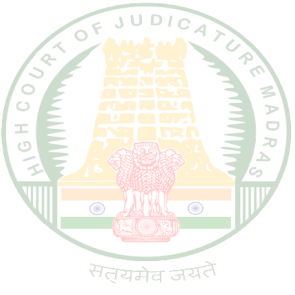
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