

(2016) 03 J&K CK 0062
In the Jammu And Kashmir High Court
Case No : WPPIL No. 9 of 2016

Jagdev Singh

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 31-03-2016

Acts Referred:

Flag Code of India, 2002 — Section 8 Part 3

Citation : (2016) 2 JKJ 774

Hon'ble Judges : Mr. N. Paul Vasanthakumar, CJ. and Mr. Bansi Lal Bhat, J.

Bench : Division Bench

Advocate : Present in person, for the Appellant/Petitioner; Mr. D.C. Raina, Advocate General with Mr. Aseem Sawhney, Dy AG, for the Respondents

Final Decision : Disposed off

Judgement

Mr. Aseem Sawhney, Dy. AG takes notice on behalf of respondent nos. 2 and 3. As no positive directions could be issued notice to respondent

No. 1 is not required at this stage.

2. This writ petition is filed praying for issuance of writ of mandamus directing the respondents to identify all important public buildings and display

the National Flag of India with honour and dignity. The grievance of the petitioner is that pursuant to Para 3.39 of Section VIII Part III of the Flag

Code of India, 2002, no National Flag has been displayed on the following buildings:-

I. Commissioners' Offices.

- i. Commissioner Income Tax, Government of India, Rail Head Complex, Jammu;
- ii. Divisional Commissioner, Jammu Division, Rail Head Complex, Jammu;
- iii. Commissioner, Excise and Taxation, J&K, Rail Head Complex, Jammu;

- iv. Transport Commissioner, J&K Rail Head Complex, Jammu;
- v. J&K State Commission for Women, Rail Head Complex, Jammu.
- vi. J&K Labour Commissioner, Rehari, Jammu
- vii. J&K Accountability Commission, Wazarat Road, Jammu.
- viii. J&K State Information Commission, Wazarat Road, Jammu; and
- ix. J&K Consumer Disputes Redressal Commission, Jammu.

II. Collectorates.

- i. District Collector (Deputy Commissioner) Wazarat Road, Jammu.
- ii. Collectors (Assistant Commissioners-Sub Divisional Magistrates.

III. Municipalities.

Jammu Municipal Corporation, Town Hall, Jammu.

IV. Departmental

- i. Tehsil Offices of J&K Revenue Department;
- ii. Treasuries of J&K Finance Department;
- iii. District Court, Janipur, Jammu; and
- iv. J&K Special Tribunal, Janipur, Jammu.

V. Public Sector Undertakings.

- i. Jammu Development Authority, Vikas Bhawan, Rail Head Complex, Jammu;
- ii. Bharat Sanchar Nigam Ltd., (BSNL), Rani Talab, Jammu.

3. According to the petitioner, he is associated with social activities and being a public and social spirited person is always at the forefront to fight

public cause for social service and espousing legitimate cause of others without any personal gain, private profit, political motive or an oblique

consideration. It is further contended that the petitioner is obliged to perform one of his fundamental duties to respect the National Flag of India

(tri-colour) as enshrined in Article 51-A of the Constitution of India and has sought for the indulgence of this Court by means of the present

petition. The petition is a public interest petition to propagate the pride, honour and dignity of the National Flag in particular as over the last six

decades several people including members of the Armed forces have ungrudgingly laid down their lives to keep it flying in its full glory. The

petitioner has no personal interest in this petition, which is (i) against those who

have a statutory duty to display the National Flag on important

Public buildings; and (ii) for the advantage and encouragement of the Country.

4. Before filing this writ petition, petitioner has to approach the concerned Government and without approaching, straightway a prayer is made for

issuing a writ of mandamus against respondents. Such a prayer cannot be entertained.

5. In view of the above, this writ petition is disposed of with liberty to the petitioner to approach the official respondents by filing a representation

and press his grievance. If any such representation is filed, the concerned respondents are directed to consider and dispose of the same in

accordance with law, within a period of six weeks of filing of such representation.