



W.P(MD)No.8805 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

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Koottalumoodu Arulmigu Bhadreswari Devasthanam,
Painkulam - 629 173,
Kanyakumari District,
Rep. by its Secretary Incharge
T.Thulasidhas,
S/o Thavasimuthu Nadar,
Kootalumoodu,
Painkulam,
Kanyakumari District,

... Petitioner

Vs.

- 1.The District Collector
Kanyakumari District,
Nagercoil.
- 2.The District Revenue Officer Cum
Additional District Magistrate,
Kanyakumari District,
Nagercoil.
- 3.The Superintendent of Police
Kanyakumari District,
Nagercoil.



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4.The Inspector of Police
Pudukadai Police Station,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to grant permission for the traditional public display of fireworks in the end of tenth day festival of Chithirai Thiruvizha at Kootalumoodu Arulmigu Bhadreswari Devasthanam, Painkulam, on 09.05.2023 after the Thirukkodi Irakkam (திருக்கொடி இறக்குதல்) with a specific timings after 12.00 am (10.05.2023) based on the petitioner's application dated 21.03.2023.

For Petitioner : Mr.K.Baalasundaram
Senior Counsel
for Mr.Ananth C.Rajesh

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction to the second respondent / District Revenue Officer



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Cum Additional District Magistrate, Kanyakumari District, Nagercoil, to grant permission to the petitioner herein to display fire works at the end of the 10th day of festival of Chithirai Thiruvizha at Koottalumoodu Arulmigu Bhadreswari Devasthanam in Painkulam Village on 09.05.2023 after Thirukkodi Irakkam (திருக்கொடி இறக்குதல்) with specific timing after 12 a.m. The petitioner had given an application on 21.03.2023.

2. The writ petition had come up for consideration on 24.04.2023 wherein, on examination of the records, it had been brought to the notice of this Court that on 13.06.2015, an innocent bystander Jebansekhar had died consequent to the fireworks falling right on the top of his head. In this connection, S.C.No.86 of 2020 is now pending on the file of the Assistant Sessions Court at Kulithurai. This Court had placed a request on the Senior Counsel of the petitioner to get instructions whether any compensation was paid by the petitioner herein to the family members of the deceased.



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3. The learned Senior Counsel stated that there was an Insurance Policy and the death was covered by the Insurance Policy. There is a representation made on behalf of the family members of the deceased. The learned Senior Counsel had forwarded copies of the Insurance Policy taken on 15.10.2014 by J.Ponnusamy, and therefore, stated that the family members of the deceased, could very well claim compensation on the policy. But the normal law of limitation would have crept in by now as a claim is directed to be preferred eight (8) years after the incident.

4. I would direct the petitioner herein, Koottalumoodu Arulmigu Bhadreswari Devasthanam, Painkulam Village, Kanyakumari District, which is represented by its Secretary in charge T.Thulasidhas in this writ petition to pay compensation of Rs.5,00,000/- (Rupees Five Lakhs only) to the family members of the deceased Jebansekhar who died on 13.06.2015.



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5. Let me make it very clear that this is only an act of grace by the petitioner herein and certainly would not have any impact on the sessions case which is now pending on the file of Additional Sessions Court, Kulithurai. The reputation and honour of the petitioner would only be enhanced by the payment of this compensation to the family members of the deceased as atleast after 8 years they would be extending their hands to wipe the tears of a mother who had lost her son aged just 18, while he was innocently standing on the sidelines when the petitioner herein happily bursted fire crackers and enjoyed themselves. When they were laughing at the fire crackers, there were tears in the eyes of the mother who had lost her son. The petitioner must first pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only).

6. A direction is given to the second respondent to grant permission for fireworks only if the petitioner produces a receipt for payment of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the family members of Jebansekhar and if it is done so, then permission may be granted for bursting of fire crackers between 9.00 p.m. and 10.00



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p.m on 09.05.2023. Necessary safety regulations may be put in place by the second respondent and the general public may also be warned that the fireworks would be a source of danger and care may be taken that they do not stand very close to the firework place. All these conditions must be examined by the second respondent and primarily, if at all the receipt is produced and confirmation is received for payment of said sum of Rs.5,00,000/- (Rupees Five Lakhs only) the permission can be granted with attendant conditions.

7. With the above directions, the Writ Petition stands disposed of. No costs.

27.04.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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C.V.KARTHIKEYAN, J.

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