

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 8769 of 2015 (U)

PETITIONER(S):

- 1. ANJITH J. NAIR, AGED 21 YEARS,
6th SEMESTER, MECHANICAL ENGINEERING,
GOVERNMENT ENGINEERING COLLEGE,
THIRUVANANTHAPURAM (MECHANICAL ASSOCIATION SECRETARY).**
- 2. ADIL M. FAIZAL, AGED 21 YEARS, 6th SEMESTER,
MECHANICAL ENGINEERING, GOVERNMENT ENGINEERING
COLLEGE, THIRUVANANTHAPURAM.**
- 3. RAHUL THOMAS MATHEW, AGED 21 YEARS, 6th SEMESTER,
MECHANICAL ENGINEERING COLLEGE, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S**

RESPONDENTS :

**THE CITY POLICE COMMISSIONER,
THIRUVANANTHAPURAM-695 001**

***ADDL.R2 IMPEADED**

**THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.**

***ADDL.R2 IS IMPEADED AS PER ORDER DATED 20/03/2015 IN IA.NO.4296/2014**

BY SR GOVERNMENT PLEADER SRI.VIJU ABRAHAM

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE REPRESENTATION DATED 19/02/2015 SUBMITTED BY THE HEAD OF THE MECHANICAL DEPARTMENT OF GOVERNMENT ENGINEERING COLLEGE, BARTON HILL, THIRUVANANTHAPURAM AND THE FIRST PETITIONER.**
- P2 COPY OF OF THE REPRESENTATION ON 10/02/2015 SUBMITTED BY THE SECOND PETITIONER TO THE RESPONDENT.**
- P3 COPY OF THE PHOTOGRAPH OF PROFESSIONAL BIKE STUNT CONDUCTED BY KTM DUKE IN KANAKAKUNNU PALACE GROUNDS ON 13/10/2013**
- P4 COPY OF THE PHOTOGRAPH OF PROFESSIONAL BIKE STUNT CONDUCTED BY GHOST RYDERZ TEAM IN THE AUTOBAHN 2014 FESTIVAL IN KANAKAKUNNU PALACE GROUNDS IN 2014.**
- P5 COPY OF THE DAILY NEWS ITEM ON 30/03/2012 PUBLISHED IN THE INTERNET.**

RESPONDENT'S EXHIBITS:

NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.8769 of 2015

Dated this the 20th day of March, 2015

JUDGMENT

Petitioners are students of the Government Engineering College, Thiruvananthapuram, pursuing their studies in the 6th Semester in the Mechanical Engineering Discipline. It is stated that, the students of the College, with the active involvement of the College/Head of the Department, are intending to conduct some sensitizing programme. Accordingly, the Hon'ble Minister for Tourism, Government of Kerala was contacted for allotment of 'Nishagandhi' open air stage, 'Suryakanti' and front left grounds of 'Kanakakkunnu Palace' compound for conducting the fest named as 'AAGNEYA, 2015', which is stated as a techno-cultural fest of the Government Engineering College, scheduled to be held from 20th to 22nd of March, 2015.

2. Producing a copy of the order bearing No.14/A2/2015/TSM dated 03.03.2015 issued by the Secretary to Government,

Tourism Department, the learned Government Pleader points out that, sanction has been given to make use of the premises, except 'Suryakanti', to conduct the 'fest' arranged by the petitioners/ College.

3. In connection with the fair as above, the petitioner's Institution wants to conduct some event styled as 'Full Throttle', where maximum bike riders assemble with helmets. A road show is arranged, which is stated as an attempt to promote the use of helmets. So as to attract the general public and spread the message, performance by professional freestyle bike riders is also arranged on the ground. It is with this intent that, Ext.P1 representation was submitted by the College authorities, before the Hon'ble Home Minister, well in advance, followed by Ext.P2 representation dated 10.03.2015 before the Commissioner of Police. The petitioners are given to understand by the Commissioner of Police that no permission will be granted and hence this writ petition.

4. Heard the learned counsel for the petitioner as well as the learned Government Pleader.

5. During the course of hearing, it is stated that no activity

is being pursued by the petitioners or anybody else, which is prohibited in law, in any manner. The 'bike riding' will be conducted in strict compliance with the statutory provisions and no offence will be involved in any manner.

6. The learned Government Pleader points out that, it is not within the limits of the 1st respondent to grant any permission as sought for, vide Ext.P5 and the petitioners cannot expect any anticipatory relief in connection with the event. In so far as the activity sought to be pursued is in conformity with the statutory requirement, there will not be any objection and the moment it gives rise to any offence under any provisions of law, necessary interference will have to be made by the police to check the activities and to take appropriate action.

7. The above submission is recorded. The writ petition is disposed of, making it clear that the event/activity sought to be pursued pursuant to Exts.P1 and P2 shall be strictly in conformity with all statutory prescriptions and the other restrictions/norms, if any, laid down by the Government/Departmental authorities. No activity shall be pursued, which is detrimental to the rights and liberties and lives and limbs of the general public; nor shall it

prompt or persuade anybody, including the students of the College or the public, to commit any activity, which is forbidden or contrary to the relevant provisions of law. The competent authorities are free to take appropriate action in accordance with law, if any offence is involved in connection with the event.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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