



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 9/6/2015

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

a n d

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Writ Appeal (MD) No.510 of 2015

S. Raveendran ... Appellant/Petitioners in Writ Petition

Vs

1. The Revenue Divisional Officer
Padmanabhapuram, Kanyakumari District.
2. The Superintendent of Police
Kanyakumari District, Nagercoil.
3. The Inspector of Police
Mandaikadu Police Station
Kanyakumari District. ... Respondents/Respondents in Writ Petition

Appeal filed under Section 15 of Letters Patent against the order of this Court dated 23.03.2015 passed in W.P.(MD) No.3100 of 2015.

Prayer in WP(MD). 3100/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents to ensure the personal liberty of movement to reach the petitioners home without any restraint during the festival days of The Arulmigu Bagvathi Amman Temple on the Lakshmipuram-Mandaikadu road, Kanyakumari District.

For Appellant ... Mr.A.Rajkumar Sen
For Respondents ... Mr.M.Alagadevan, Spl.G.P.

J U D G M E N T

(Judgment of the Court was delivered by S.MANIKUMAR,J)

Prayer made in W.P.(MD) No.3100 of 2015 is for the issuance of a writ of mandamus to direct the respondents to ensure the personal liberty of movement to reach the petitioner's home without any restraint, during the festival days of the Arulmighu Bagavathi Amman Temple on the Lakshmipuram - Mandaikadu Road, Kanyakumari District.

2. With reference to the prayer and the submissions of the learned counsel appearing for the parties, the writ Court, at paragraph Nos.3 and 4 ordered as follows:-

"3. Learned Government Advocate for respondents submitted that during festivals conducted at Arulmigu Bagavathi Amman Temple, Lakshmipuram - Mandaikadu Road, Kanyakumari District, lakhs of people from both States viz., Tamil Nadu and Kerala attend and the authorities including the police have a herculean task in maintaining law and order as also assuring peaceful observations of worship. He



further informs that there is a general restriction against movement of vehicles in and nearby the temple during the festival period. The petitioner who has an alternative route to his residence is seeking a right of proceeding across the temple area during the festival period. He would also submit that there has been an untoward incident in the year 1982 and since then the authorities are on tenterhooks to ensure non-repetition of such incidents.

4. Considering the rival submissions, this writ petition is dismissed with the observation that the persons such as petitioner though may be put to minor difficulties are expected to co-operate with the authorities who have a herculean task in maintaining law and order. No costs. Consequently, connected M.P.(MD) No.1 of 2015 also stand dismissed."

3. Though the petitioner has assailed the correctness of the order made in W.P.(MD) No.3100 of 2015 dated 23/3/2015 on the very same grounds inter alia that the petitioner's freedom of movement, as guaranteed under Article 19 (d) of the Constitution of India is restricted, we are not inclined to countenance the same. It is always open to the Revenue/Police authorities to impose any reasonable restrictions, when festivals, or functions are conducted depending upon the situation, prevalent in the area. The writ Court has considered the above said aspects and passed the order, which in our opinion, does not require any interference.

4. For the reasons stated supra, the Writ Appeal is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer
Padmanabhapuram, Kanyakumari District.
2. The Superintendent of Police
Kanyakumari District, Nagercoil.
3. The Inspector of Police
Mandaikadu Police Station, Kanyakumari District.

+1CC THE SPECIAL GOVERNMENT PLEADER, IN SR.NO. 29631

Mvs

SR/KBM : 29.06.2015 : 2p/5c

Writ Appeal (MD) No.510 of 2015
9/6/2015