



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASHW.P.(MD) No.4157 of 2017

R.Jegan @ Jegan Raj

... Petitioner

-vs-

1. The Superintendent of Police,
Kanyakumari District @ Nagercoil.

2. The Assistant Superintendent of Police,
Colachel Sub Division,
Colachel, Kanyakumari District.

3. The Inspector of Police,
Puthukadai Police Station,
Puthukadai, Kanyakumari District.

... Respondents

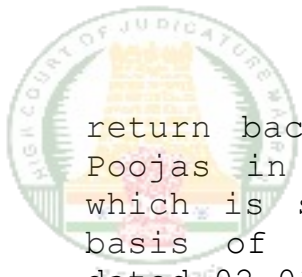
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents herein to give permission and police protection for procession with Utchava Moorthy Deity of Naduthanavilai Arulmigu Bhadreswari Amman Temple, Vazhudur Vadakku Amsi, Thengapattinam, Kanyakumari District carried on the top of the Elephant and visit the sea situated at Thengapattinam through Amsi main road and dip and bath the Deity in the sea and collect holy sea water and again return back to the temple and use the said water for performing Poojas in the temple on the last day of the Panguni festival, which is scheduled on 21.03.2017 between 5pm and 8.00pm on the basis of his representation made before the respondents herein dated 02.03.2017.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to direct the respondents to give permission and police protection for procession with Utchava Moorthy Deity of Naduthanavilai Arulmigu Bhadreswari Amman Temple, Vazhudur Vadakku Amsi, Thengapattinam, Kanyakumari District carried on the top of the Elephant and visit the sea situated at Thengapattinam through Amsi main road and dip and bath the Deity in the sea and collect holy sea water and again



return back to the temple and use the said water for performing Poojas in the temple on the last day of the Panguni festival, which is scheduled on 21.03.2017 between 5pm and 8.00pm on the basis of his representation made before the respondents herein dated 02.03.2017.

WEB COPY

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. It is seen that this petitioner has given a representation dated 02.03.2017 to the 3rd respondent, seeking permission and police protection for temple procession.

4. Learned Additional Government Pleader, on instructions, submitted that the representation given by the petitioner was rejected by the 3rd respondent, on the ground that the Police apprehend breach of peace and law and order problem, since members of minority community are residing in the route in which the petitioner wanted to conduct procession and that the procession was not allowed after 2013.

5. Learned counsel for the petitioner submitted that the Administration had permitted similar processions in respect of Koottalumoodu Sree Bhadreswari Amman Temple, Chempazhanji Sree Krishna Temple and Panakalmukku Ammal Temple and that they have no good reasons to refuse permission. Learned counsel for the petitioner further submitted that no rejection order has been passed by the 3rd respondent.

6. In the considered opinion of this Court, this Court cannot step into the shoes of the Administration in matters of this nature and issue direction as prayed for by the petitioner. Under such circumstances, the petitioner is directed to give a fresh representation along with a copy of this order to the 3rd respondent and on such representation being given, the same shall be considered and appropriate orders be passed thereon before 20.03.2017 in accordance with law, taking into consideration all factors.

With the above direction, this petition is disposed of. No costs.

Sd/
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.



To:

1. The Superintendent of Police,
Kanyakumari District @ Nagercoil.
2. The Assistant Superintendent of Police,
Colachel Sub Division,
Colachel, Kanyakumari District.
3. The Inspector of Police,
Puthukadai Police Station,
Puthukadai, Kanyakumari District.

+1CC to M/S.B.Brijesh Kishore, Advocate, SR.No. 14610
+1CC to the Special Government Pleader, SR.No. 14726

W.P. (MD) No.4157 of 2017
14.03.2017

ar
AM/CM MSA/SAR- (CO) /15.03.2017/3P/6C