



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.03.2017
CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.4757 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.

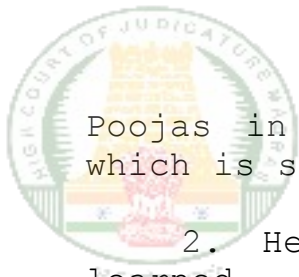
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 3rd Respondent herein to give Permission and Police Protection for procession with Utchava Moorthy Deity of Naduthanavilai Arulmigu Bhadreswari Amman Temple Vazhur Vadakku Amsi Thengapattinam Kanyakumari District carried on the top of the Elephant and visit the sea situated at Thengapattinam through alternate route which would not create breach of peace and law land order problem 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 8pm.

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 3rd Respondent herein to give Permission and Police Protection for procession with Utchava Moorthy Deity of Naduthanavilai Arulmigu Bhadreswari Amman Temple, Vazhur Vadakku, Amsi Thengapattinam, Kanyakumari District carried on the top of the Elephant and visit the sea situated at Thengapattinam through alternate route which would not create breach of peace and law order problem 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 8pm.

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

3. In Crl.O.P.(MD) No.4157 of 2017, this Court has passed the following order on 14.03.2017:

"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.

4. Pursuant to the above said order, the petitioner gave a fresh representation dated 16.03.2017, after considering which, the Inspector of Police, Puthukadai Police Station has passed the impugned order dated 19.03.2017, rejecting the request of the petitioner on the following two grounds;

<https://hcservices.courts.gov.in/hcservices> in the route in which the petitioner wants to take the elephant procession, members of minority Muslim community are living and that during the peace talks, that was conducted by the



Deputy Superintendent of Police with the members of the Temple Committee and the representatives of the Muslim community, no agreement was reached and therefore, there may be communal violence;

ii) that adequate Police force have to be deployed in connection with a temple festival within the jurisdiction of Kollangodu Police Station and therefore, Police will not be able to provide enough Police force for the petitioner's temple procession.

5. Learned counsel for the petitioner submitted that they are willing to take any alternative route to reach the seashore and therefore, he prays that the respondents may be directed to consider that request at least.

6. Accepting the same, the petitioner is directed to give a fresh representation to the 3rd respondent and on such representation being given, Police may fix any route for the temple procession, as they deem fit in the given circumstances of the case and dispose of the representation.

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

Sd/-
Assitant 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, in SR No.15914

AR
AAM-CM MSA/SAR 3/20.03.2017 3P 5c

W.P.(MD) No.4757 of 2017
20.03.2017