



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.1711 of 2018

and

W.M.P.(MD)No.1825 of 2018

Dhanushkodiya Purviga Yathirai Paniyalargal Sangam,
represented by its President,
P.Chellathurai.

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Ramanathapuram - 623 503.

2.The Tahsildar,
Rameswaram Taluk,
Rameswaram.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

4.The Rameswaram 3rd grade Municipality,
represented by its Commissioner,
Rameswaram, Ramanathapuram District.

5.The Inspector of Police,
Dhanushkodi Police Station,
Dhanushkodi, Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to construct the water tank, shelter for the priest and consequently frame a scheme to permit at least 62 shops to eke the livelihood by street vending at arichal munai, Dhanushkodi, Ramanathapuram District within the stipulated time as fixed by this Court.

For Petitioner

: Mr.M.Mahaboob Fazil

For Respondents

: Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
for R.1 to R.3

: Mr.M.Kannan
for R.4

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J.)

The petitioner claims to be the President of the Dhanushkodiya Purviga Yathirai Paniyalargal Sangam, which is a registered society came to be in the year 2015 established for the welfare of the pilgrims and has filed this writ petition styled as Public Interest Litigation wherein he spoke about the traces about the history of Danushkodi and also the cyclone of the year 1964 which wiped out the town of Danushkodi and thereby became haunted place.

2. The grievance expressed by the petitioner is that though he submitted a representation dated 04.10.2017 and 20.01.2018 to construct water tank shelter for the priest and consequently frame a scheme to permit atleast 62 shops to eke out livelihood by street vending business at Arichalmunai, Danushkodi, Ramanathapuram, the said representations failed to invoke any kind of response and hence, the petitioner came forward to file this writ petition.

3. Mr.M.Mahaboob Fazil, learned Counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that since the Central Government recently opened a road upto Arichalmunai and most of the people, who are coming to Rameshwaram for worshipping or performing the last rights, used to visit the said place also and it is without even basic facilities and no shops are also in the vicinity and as a consequence, the tourists and other people, who visited the said place are put to extreme hardship and sufferings and hence, prays for appropriate orders to provide basic amenities and also to formulate a scheme to do street vending business.

4. This Court heard the Additional Government Pleader appearing for the respondents 1 to 3 and 5 and the learned Counsel appearing for the fourth respondent, who would submit that due to the effort of the Central Government, a quality road has been laid and so that the people can reach upto Arichalmunai and enjoy the surroundings and if any street vending business is allowed to be conducted, it may affect the beauty and serenity of the said place. Insofar as the provisions of basic amenities is concerned, in order to reach Mukuntharayar Sathiram, provisions have been made for basic amenities and would further add that the tourists or travelling people used to carry water and other food articles and as such, it cannot be said that they are put to hardship and sufferings and further pointed out that Rameshwaram Municipality has also put a warning board near Arichalmunai saying that bathing is also prohibited.

5. This Court heard the rival submissions and perused the materials placed on record.



6. As rightly pointed out by the learned Standing Counsel appearing for the fourth respondent that Arichalmunai is one of the unique places blended with beauty and serenity. The petitioner association, as a matter of right, cannot insist for formulation of a scheme to do street vending business. The petitioner appears under the guise of filing this Public Interest Litigation, is mainly interested in doing hawking business and if he is permitted to do the same, it would spoil the beauty of the said place. The said area is also ecologically sensitive and it also falls under the Coastal Regional Zone and therefore, this Court is of the considered view that it should be maintained as it is and no business activities shall be permitted.

7. The petitioner also prays for provision of basic amenities and the first and fourth respondents shall see to that the basic amenities are provided to the tourists and ensure that it continues to be maintained in the same manner.

8. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
District Collector Office,
Ramanathapuram - 623 503.

2. The Tahsildar,
Rameswaram Taluk,
Rameswaram.

3. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.

+One cc to Mr. M. Kannan, Advocate, SR.No.50925
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RL/5C/3P/SV/MMS/SAR4/12/3/2018

W.P (MD) No.1711 of 2018