



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2019

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

Writ Petition (MD) No.25891 of 2019

WEB COPY

Nanjil Michael

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

3.The Junior Engineer,
National Highways,
Kanyakumari,
Kanyakumari District.

4.Inspector of Police,
Kanyakumari,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records of the fourth respondent's proceedings in C.No./4/KKCO/2019-Dt; 28.11.2019 with regard to the point (i) of the order and quash the same and directing 1 to 3 respondents to give permission for erecting temporary light Arches at the Kanyakumari-Nagercoil main road in 3 places on two days, viz, 14.12.2019 & 15.12.2019 on the Church festival as per representation dated 28.11.2019 to the third respondent.

For Petitioner : Mr.S.Sureshkumar

For Respondents : Mrs.S.Bharathi,
Government Advocate(Crl.side)

ORDER

This writ petition has been filed to quash the proceedings in C.No./4/KKCO/2019-Dt; 28.11.2019 with regard to the point (i) of the order and to direct the respondents 1 to 3 to give permission for erecting temporary light Arches at the Kanyakumari-Nagercoil main road in 3 places on two days, viz, 14.12.2019 & 15.12.2019 on the Church festival as per representation dated 28.11.2019 to the third respondent.



2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the respondents.

3.The petitioner is the Vice President of the Parish Committee of the Shrine of Ransom Church, Kanyakumari, which is a very old Roman Catholic Church and every year, the Church festival will be conducted pompously by all section of people more colourfully. The petitioner had requested the respondents to grant permission to put up temporarily decorative light arches, flex boards etc., at the Kanyakumari - Nagercoil Highway at three places, namely, (i) the Church Junction of Kanyakumari, (ii) Vivekanandapuram Junction and (iii) nearby Kanyakumari Police Station and he had also sought for permission for lighting fire crackers at the nearby play ground on the night of 14.12.2019, the 9th day of festival and to conduct drama on the eve of the 10th day of festival being 15.12.2019 and for facilitating children, install "Merry-go-rounds" etc., during the festival period.

4.The learned counsel for the petitioner would submit that the petitioner had approached the respondents seeking permission. But the fourth respondent, by the impugned order, granted permission for lighting crackers and to conduct drama and for facilitating children by installing Merry-go-rounds, whereas had denied the request to permit to put up temporary decorative light, arches and flex boards at the Kanyakumari-Nagercoil Highways. He would submit that all these years permission had been granted and this year, the permission had been denied and thereby, he would seek that direction may be issued to the respondents to permit the petitioner to put up lights, arches and flex boards as requested by the petitioner.

5.The learned Government Advocate (criminal side) would submit that subsequent to the incident that happened at Chennai, where a young lady succumbed to the injuries sustained due to the fall of flex board, the respondents are not granting permission to put up flex boards and arches on the highways and near the highways. Further, she would submit that the petitioner have sought permission for putting up arches on the National Highways and the Highways authorities apprehending that installation of arches on the Highways will cause disturbance to the free flow of traffic and it would be endangerous to the safety of the passersby and the people going around, have rejected the same. Further, she would submit that the authorities have taken a decision not to permit to put up arches and flex board on the Highways.

6.At this juncture, the learned counsel for the petitioner would submit that there is a permanent structure available at the junction of the road connecting Highways and the Church and that the



in the road towards Church without affecting the petitioner or causing hindrance to free flow of traffic.

7. Taking into consideration of the submissions of the learned counsel on either side, the petitioner is directed to approach the respondents with fresh application along with necessary undertaking, seeking to light the permanent arches on the main road and also put up arches in the private road without affecting the public or free flow of traffic. On receipt of such representation along with necessary undertakings and assuring safety of public and the respondents shall consider the same forthwith and permit the petitioner to light at the permanent arches on the main road and also put up arches in the private road without affecting the public or free flow of traffic.

8. The writ petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

skn

To

1. The District Collector,
Nagercoil,
Kanyakumari District.

2. The Superintendent of Police,
Nagercoil,
Kanyakumari District.

3. The Junior Engineer,
National Highways,
Kanyakumari,
Kanyakumari District.

4. The Inspector of Police,
Kanyakumari,
Kanyakumari District.

+1 CC to M/s. S. SURESHKUMAR, Advocate (SR-21639[I] dated
11/12/2019)

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KK/SAR/11.12.2019/3P-6C/