



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.12.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition (MD) No.26904 of 2019

S.Jayaprakash

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.

3.The Deputy Superintendent of Police,
Thucklay, Kanyakumari District.

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

...Respondents

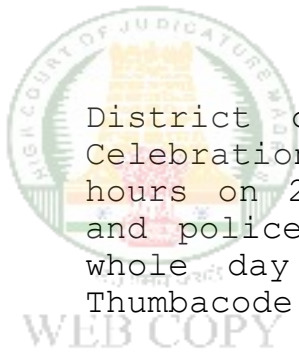
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the Inspector of Police, Kulasekharam Circle, Kanyakumari District dated 12.12.2019 in so far as restricting our Christmas Celebration for a limited period of five hours from 16.00 to 21.00 hrs on 25.12.2019 and issue a consequential direction to provide permission and police protection for the said Christmas Celebration for the whole day from 06.00 hrs to 22.30 hrs at Survey No.119/4A, Thumbacode Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.N.Dilip Kumar
For Respondents : Mrs.Bharathi
Government Advocate (Crl. Side)
: Mr.Ananth C.Rajesh
For Saptha Mathargal Temple
Aranmannam
represented by Mr.Vinil Kumar

O R D E R

This petition has been filed challenging the impugned order passed by the Inspector of Police, Kulasekharam Circle, Kanyakumari

<https://hcservices.ecourts.gov.in/hcservices/>



District dated 12.12.2019 insofar as restricting the Christmas Celebration for a limited period of five hours from 16.00 to 21.00 hours on 25.12.2019 and seeking a direction to provide permission and police protection for the said Christmas Celebration for the whole day from 06.00 hrs to 22.30 hours at Survey No.119/4A, Thumbacode Village, Kalkulam Taluk, Kanyakumari District.

2.The learned counsel appearing for the petitioner would submit that worldwide the birth of Jesus is celebrated as Christmas on 25th December every year. The day will be marked with special prayer, religious ceremonies in Church, cultural and sports events for children, Carols, prize distribution, speeches, songs and distribution of welfare measurers to the poor and needy. The petitioner's mother has been permitting the petitioner and her society to use her private patta land situated at Survey No.119/4A, Thumbakodu Village, Kalkulam Taluk, Kanyakumari District to celebrate Christmas. Thereby, on 05.12.2019, the petitioner had sent a representation to the fourth respondent seeking permission to conduct the programme and the fourth respondent has granted permission, however, restricted the time to a period of 5 hours only from 04.00 p.m to 09.00 p.m and he has also directed that the petitioner should use only two box speakers. In earlier occasion, when that a permission was not granted to the petitioner, the petitioner had approached this Court and right from the year 2011, the petitioner had been obtaining the similar orders from this Court for conducting the said programme. He would further submit that the petitioner's organizers have been conducting this programme for the past 10 years during the entire day without any objection. He would further submit that there is no justification for the respondent police in restricting the time and the restriction of time is not supported by sound reasoning. However, he would further submit that the petitioner is prepared to give an undertaking not to cause inconvenience or disturbance to the other persons in the area.

3.Mr.Ananth C.Rajesh learned counsel for Saptha Mathargal Temple, Kavuvilai, Aranmannam, represented by Mr.Vinil Kumar would seek to implead and submit that the temple run by Trust of Saptha Mathargal Temple, Kavuvilai, Aranmannam, is near by that area and that they have objection in respect of the petitioner serving of non-vegetarian food and throwing the waste plates and leaves and obstructing the passage, while conducting the function.

4.At this Juncture, the learned counsel for the petitioner would submit that the grievance of the petitioner is unfounded, however, would submit that the persons belonging to Saptha Mathargal Temple, Kavuvilai, Aranmannam, will not be disturbed by the petitioner's group in any manner and the petitioner is prepared to give requisite undertaking to the respondent police regarding the objection by the persons belonging to the temple.



5.The learned Government Advocate (crl. Side) would submit that there are three programmes in the area and that they have to give protection to all three programmes and that is the reason the time has been restricted.

6.Considering the facts and circumstances of the case, the condition No.1 in the impugned order passed by the fourth respondent, dated 12.12.2019 is set aside and the permission is granted to the petitioner to conduct the programme from 07.00 a.m to 09.00 p.m, however, they would undertake that they will not obstruct the passage of persons going to temple and in respect of conducting programme, the petitioner shall abide with the conditions imposed by the respondent.

7.With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS-III)

vsg/skn

To

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

2.The Revenue Divisional Officer,
Padmanabhapuram, Kanyakumari District.

3.The Deputy Superintendent of Police,
Thucklay, Kanyakumari District.

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

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-105783[F] dated 19/12/2019)

Writ Petition(MD)No.26904 of 2019
18.12.2019

VSG/SKN

TK/VR/SAR.3/19.12.2019/3P/6C