



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

W.P. (MD)No.11486 of 2020

N.Ragavan

... Petitioner

Vs.

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

2.The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to provide adequate Police Protection to conduct the festival and customary Aaratu Vila and Oonjal Sevai for the deity of the temple namely 'Nadu Theervaipathi Sriman Narayana Swamy Thirukoil' situated at Udayappan Kudiruppu, Maniketti Pottal, Kanyakumari District, on 10.09.2020 and 11.09.2020.

For Petitioner : Mr.P.T.Ramesh Raja

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Writ Petition has been filed for issuance of writ of mandamus directing the second respondent to provide adequate police protection to conduct the festival and customary Aaratu Vila and Oonjal Sevai for the deity of the temple namely 'Nadu Theervaipathi Sriman Narayana Swamy Thirukoil' situated at Udayappan Kudiruppu, Maniketti Pottal, Kanyakumari District, on 10.09.2020 and 11.09.2020.

2.The petitioner is the President of the village in which, the petition mentioned temple is situated.

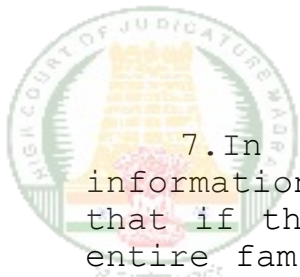


3.The grievance of the petitioner is that every year the village people are celebrating the temple festival, after the festival of Krishnajeeyanthi. Therefore, this year also, it is planned to celebrate the temple festival on 10.09.2020 and 11.09.2020 respectively. In the mean while, as per the decree passed by the I Additional District Munsif Court, Nagercoil, in O.S.No.384 of 1997 dated 07.01.1978, the defendants of the suit are restrained from blocking the religious procession and vahanams of the plaintiff, more particularly, there shall not be any obstruction for the procession in front of the defendant temple. Against the said decree, no appeal has been preferred till today. After that, every year the festivals and processions are conducted in the temple in a peaceful manner. Due to Covid-19, they plan to conduct the festival in a very simple way, in terms of the restrictions and guidelines issued by the Government. Accordingly, the petitioner and others planned to utilize only two vehicles without any general public to follow the vehicles carrying the deity.

4.On 04.09.2020, the petitioner has approached the second respondent and requested him to give permission and police protection for the festival of temple viz., 'Nadu Theervaipathi Sriman Narayana Swamy Thirukoil'. Since there is no response from the second respondent, the petitioner submitted a representation dated 07.09.2020 to provide police protection. Therefore, it is necessary to direct the second respondent to provide adequate police protection for conducting the temple festival.

5.In response to the submission made by the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that as of now, the Government issued a ban order under Section 144 of Cr.P.C., and thereby, gathering of people in any particular place, have been banned. Moreover, the entire nation is affected Covid-19 and therefore, if any permission is granted, as prayed for by the petitioner, it would affect the health of the general public, who have all assembled during the time of festival and thereby, there is a possibility for spreading the said virus to the family members of the people, who have participated in the temple festival. Therefore, he prays for dismissal of the said application.

6.Upon the submissions made by the learned counsels appearing on either side, as of now, the executive authorities issued proceedings under Section 144 of Cr.P.C., in which, the people are directed not to gather for celebrating any function and other thing. Further, as of now, the entire nation was affected due to Covid-19 and every day nearly 100 people have died. Further, around six thousand fresh cases are identified every day, for which, the Government spent much money by way of giving treatment.



7. In such circumstances, this Court also considered the information having given by the learned Additional Public Prosecutor that if the permission is granted, definitely, it would affect the entire family of the persons, who are all participated in the said function. Therefore, the writ petition filed by the petitioner is to be dismissed. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

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Sub Assistant Registrar(CS)

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Note :-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Superintendent of Police,
Nagercoil, Kanyakumari District.
2. The Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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