



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.22689 of 2021 and

W.M.P. (MD)No.19168 of 2021

R.Jesly

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Kanyakumari District.

2. The Inspector of Police,
Arumanai police station,
Arumanai,
Kanyakumari District.

3. C.Stephen

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 to forbear the third respondent and his men from conducting Christmas festival by blocking the public road runs from Arumanai to Melatheru and Arumanai to Pallivillai without obtaining prior permission from them and further direct them to ensure the public peace.

For Petitioner : Mr.P.Pethu Rajesh

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate(CRL SIDE).

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 and 2.

2. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.



3. The grievance of the petitioner is that the third respondent is organising Christmas celebrations and by blocking the public road that run from Arumanai to Melatheru and Arumanai to Pallivillai. He also would point out that one D.C.Darwin Conston filed W.P.(MD)No.23204 of 2017 before this Court and vide Order dated 22.12.2017, the following direction was passed:-

" The respondents 1 to 5 are directed to ensure that the festival proposed by the sixth respondent is conducted without giving room for any obstruction of vehicular traffic in the road concerned. It is open to the sixth respondent to earmark any vacant place or ground in the vicinity so as to conduct the festival in a more grand manner without encroaching into the public thoroughfare. Since the fourth respondent has already passed an order on 16.12.2017, the fourth respondent is directed to ensure that the festival organised by the sixth respondent is conducted strictly in adherence to the communication dated 16.12.2017 unless the sixth respondent has obtained any other order from higher authorities or from Court. It is also open to the respondents including the fourth respondent to arrive at an amicable and workable arrangement convincing to all parties in the interest of public and the religious sentiments of majority of the particular locality. In case the sixth respondent approaches any higher police officials aggrieved by the directions / recommendations of the fourth respondent in its order dated 16.12.2017, it is open to such authorities to pass any order independently after giving an opportunity to the petitioner and uninfluenced by the findings or observations found in the order dated 16.12.2017. "

4. Though the said writ petition pertained to the celebrations held in the year 2017, it goes without saying that the very same approach should govern the celebrations for the subsequent years also. In fact the learned Government Advocate submitted that till date, respondents 1 and 2 have not given any formal permission to the third respondent.

5. Respondents 1 and 2 shall ensure that the proposed Christmas celebrations to be conducted by the third respondent will not lead to any obstruction of vehicular traffic in the roads concerned. The public thoroughfare shall not be permitted to be encroached. Since the pandemic is yet to disappear, Covid protocols should be strictly followed. In other words, the participants will wear masks and social distancing norms will also be followed.



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6. This writ petition stands disposed of on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

22/12/2021

Sub Assistant Registrar (CS III)

PMU

Note: 1. 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 Deputy Superintendent of Police,
Kanyakumari District.
2. The Inspector of Police,
Arumanai police station,
Arumanai,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR. P.PETHU RAJESH, ADVOCATE SR 39864

MGJ

22/12/2021

3P/5C

W.P. (MD) No. 22689 of 2021
21.12.2021