



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE C. SARAVANAN

W.P(MD).No.8279 of 2022

and

W.M.P(MD).No.6158 of 2022

S.Siva

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Collectorate Building,
Nagercoil.
- 2.The Hindu Religious and Charitable Endowments,
Represented by its Joint Commissioner,
O/o. The Joint Commissioner,
Suchindram,
Kanyakumari District.
- 3.The Manager,
Arulmigu Bhagawathi Amman Kovil,
Kanyakumari District,
Kanyakumari.
- 4.The Superintendent of Police,
O/o.Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 5.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from interfering in the petitioner's avocation engaging Two Battery operated Remote control car to cater to the tourists in Tiruveni Sangamam Beach in Kanyakumari District.

For Petitioner

: Mr.T.Lajapathi Roay



For R1, R4 & R5

: Mr.P.T.Thiraviam

Government Advocate

For R2 & R3

: Mr.K.Sathyasingh

ORDER

WEB COPY

The petitioner appears to make his livelihood by renting out Two Battery operated Remote control car for children near Tiruveni Sangamam Beach in Kanyakumari District. It appears that the petitioner had not obtained any permission from either the third respondent or the respondents 4 and 5. The third respondent appears to have informed the petitioner to stop the aforesaid business near the temple premises. In this connection, the petitioner has sent a representation dated 23.03.2022 with a request to the respondents 3 to 5 not to interfere with the petitioner's right to livelihood. However, no orders have been passed. Therefore, the petitioner has approached this Court.

2. The learned counsel for the petitioner has referred to an order passed by this Court in W.P.(MD).No.1565 of 2020, which came to be disposed on 29.01.2020, wherein, the petitioner therein who was engaged in providing horse rides to the tourists visiting Tiruveni Sangamam Beach at Cape Comorian in Kanyakumari District. The learned counsel for the petitioner submits that the petitioner will comply with any directions or conditions as may be enforced by the third respondent in consultation with the respondents 4 and 5.

3. Opposing the prayer, the learned Government Advocate for the respondents 1, 4 and 5 and the learned counsel for the respondents 2 and 3 submits that the area where the petitioner doing business of renting out Battery operated Remote control car is a busy area where heavy tourist came with large foot falls. That apart, it is submitted that the said area is the escape route for any danger such as Tsunami and therefore, the petitioner cannot be permitted to carry on the business in the said premises. The writ petition filed by the petitioner for a right to do business on the temple premises using Battery operated Remote control car prima facie appears to be not maintainable.

4. Considering the above, I am inclined to dispose this writ petition by directing the respondents to consider the representation of the petitioner dated 23.02.2022 and pass appropriate orders as expeditiously possible preferably within a period of thirty days from the date of receipt of copy of this order. In case, there is any alternate area within the temple premises or surrounding the temple, such area may be allotted to the petitioner in terms of the provisions of the Religious Institution (Lease of Immovable



Property) Rules, 1963 framed under Section 116 (2) of the Hindu Religious and Charitable Endowments Act, 1959. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sn

To

- 1.The District Collector,
Kanyakumari District,
Collectorate Building,Nagercoil.
- 2.The Hindu Religious and Charitable Endowments,
Represented by its Joint Commissioner,
O/o. The Joint Commissioner,
Suchindram,Kanyakumari District.
- 3.The Manager,
Arulmigu Bhagawathi Amman Kovil,
Kanyakumari District, Kanyakumari.
- 4.The Superintendent of Police,
O/o.Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 5.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.
6. The Additional Public prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-22001[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP. (SR-22105[F] dated 28/04/2022)

+1 CC to M/s.K.SATHIYA SINGH, Advocate (SR-22291[F] dated 28/04/2022)

W.P (MD) .No.8279 of 2022

27.04.2022

TP (CO)

KB (13.05.2022) 3P 10C

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