



WEB COPY



W.P(MD)No.16267of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.16267of 2022

S.Michalos Joan of Arc Jose

...Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District
at Nagercoil

2. The Inspector of Police
Karungal Police Station
Kanyakumari District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the 2nd Respondent pertaining to its Proceeding No.Nil dated 20-07-2022 and to quash the same and consequently directing the respondents to permit the petitioner to erect temporary decorative arches from Thikkanamcode junction to bridge which is situated near Mathicode pampuri channel in connection with Church of Our Lady of Assumption festival scheduled from 06-08-2022 to 15-08-2022 by considering the representation of the petitioner dated 13-07-2022



W.P(MD)No.16267of 2022

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (crl.side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus call for the records on the file of the 2nd Respondent pertaining to its Proceeding No.Nil dated 20-07-2022 and to quash the same and consequently directing the respondents to permit the petitioner to erect temporary decorative arches from Thikkanamcode junction to bridge which is situated near Mathicode pampuri channel in connection with Church of Our Lady of Assumption festival scheduled from 06-08-2022 to 15-08-2022 by considering the representation of the petitioner dated 13-07-2022

2.Mr.M.Sakthikumar, learned Government Advocate (Criminal Side) takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner has submitted an application to the second respondent dated13.07.2022 for fixing 30 arches in view of the church festival. The respondent rejected the



W.P(MD)No.16267of 2022

application on the ground that the arches will cause disturbance to the public and affect the public movement. Challenging the same, the present writ petition has been filed the above said relief.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the respondent police rejected the petitioner's representation on the ground that the arches will cause disturbance to the public and affect the public movement.

5. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondents police.

6.A perusal of impugned order, shows that the petitioner sought permission to erect arches which was rejected by the respondent police on the ground that arches will cause disturbance to the public and affect the public movement. Now the learned counsel for the petitioner would submit that he is now ready to restrict his prayer for erecting arches and also ready to give fresh representation for consideration.



W.P(MD)No.16267of 2022

WEB COPY

7. In view of the same, the impugned order passed by the second respondent dated 13.07.2022 is hereby set aside and the petitioner is directed to give fresh representation to the second respondent restricting number of arches with undertaking about the safety measures and also the take personal risk in case of public safety.

9. In the result, the Writ Petition stands allowed and the second respondent is hereby directed to consider the fresh representation to be given by the petitioner and pass suitable orders on merits and in accordance with law. No costs.

03.08.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 04.08.2022



W.P(MD)No.16267of 2022

To

WEB COPY

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



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W.P(MD)No.16267 of 2022

V.SIVAGNANAM, J.

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W.P(MD)No.16267 of 2022

03.08.2022