



W.P(MD)No.9387 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

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Koottalumoodu Arulmigu Bhadreswari Devasthanam,
Painkulam - 629 173,
Kanyakumari District,
Rep. by its the President,
N. Kumar,
S/o. K. Nesamani,
Kootalumoodu,
Painkulam,
Kanyakumari District.

... Petitioner

Vs.

1.The District Collector
Kanyakumari District,
Nagercoil.



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2.The Divisional Engineer

National Highways Department,
75, Raman Pillai Street,
Nagercoil - 629 001,
Kanyakumari District.

3.The Assistant Divisional Engineer,

National Highways Department,
(Construction and Maintenance),
O/o.National Highways Department,
Kuzhithurai,
Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant permission to the petitioner namely, Koottalumoodu Arulmigu Bhadreswari Devasthanam, Painkulam - 629 173, Kanyakumari District for erecting Decorative Arches and Pandals in the event of festival at Sree Bhadreswari Temple, ainkulam, Kanyakumari District, which is scheduled from 30.04.2023 to 09.05.2023 based on the petitioner's application dated 17.03.2023 and 13.04.2023.



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For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.N.Muthu Vijayan,
Special Government Pleader

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction against the respondents, to grant permission to the petitioner, to put up Decorative Arches and Pandals in the event of festival at Sree Bhadreswari Temple, Painkulam, Kanyakumari District, which is scheduled to be held between 30.04.2023 and 09.05.2023. The petitioner had given applications dated 17.03.2023 and 13.04.2023 in this regard.

2. In the affidavit filed in support of the writ petition, the deponent of affidavit M.Kumar who claims to be the President of Koottalumoodu Arulmigu Bhadreswari Devasthanam, Painkulam, Kanyakumari District, had stated that the Devasthanam has control of a 400 year old temple called Sree Bhadreswari Amman Temple,



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Painkulam, Kanyakumari District. It had been stated that Chithirai festival is conducted in every year. In this year, it is to be conducted between 30.04.2023 and 09.05.2023. It is stated that the applications are given to the District Collector and permissions were granted for putting up Decorative Arches and Pandals without disturbance to the general public as well as to the transport. It had been stated that an earlier Writ Petition was filed in W.P.(MD) No.6667 of 2022 questioning an order of the police authority who had refused permission on 30.03.2022. That particular writ petition was allowed and conditions were given that the petitioner could put up Decorative Arches and Pandals. But that order was with respect to that year. It was also stated that it should not cause any disturbance. Placing reliance on the said order the present writ petition has been filed seeking similar relief.

3. The learned counsel for the petitioner had also enclosed as a document along with writ petition, an order of another learned Single Judge, dated 20.02.2023 in W.P.(MD)No.3329 of 2023, Anchukannukalungu Arulmigu Madan Thampuran Esakki Amman



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Kovil, Puthukkadai, Kanyakumari District Vs. The District Collector, Kanyakumari District and others, wherein, similar request was sought by the petitioner therein and direction was given to the respondents to consider the representations given by the petitioner herein. The learned counsel for the petitioner therefore, stated that similar relief should be granted to the petitioner.

4. The learned Special government pleader had filed a status report forwarded by the second respondent, the Divisional Engineer National Highways Department, Kanyakumari District, wherein, he had stated that the Highways Department is maintaining the State Highways SH-179 from Kanyakumari to Pazhayauchakadai with a distance of 72.000 k.m. and the road connects Kerala State. It had been stated that the road is an important arterial road providing an alternate route for people travelling to Kerala State from Kanyakumari District as the main trunk road NH-47 from Kanniyakumari to Kaliyakkavilai is always busy and congested route. It is stated that the petitioner seeks to put up Decorative Arches and Pandals in the said State Highways leading to



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Kerala State at km. .58/2. It had been further stated that at that particular location the available right of way is only 12.00 mts., against the minimum requirement of 30.00 mts. It had been stated that the width of the actual road is 7mts. which allows two way traffic and the petitioner has requested that Arches and Pandals should be put up on a road where there is a heavy traffic road.

5. It had also been stated that the District Collector, Kanyakumari District, had passed proceedings in Roc.No.C3/22963/2002, dated 23.06.2022 prohibiting erection of banners, decorative arches along the road or across the road. This is because of disturbance to the public and law and order problem. It had also been stated that the petitioner had given a letter dated 13.04.2023 seeking permission and the same had been rejected by the second respondent by an order dated 19.04.2023.

6. The learned Special Government Pleader also placed reliance on the proceedings of the District Collector, Kanyakumari



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District, dated 23.06.2022, in Roc.No.C3/22963/2022 wherein, reference was drawn to an order of the High Court in W.P.No.21368 of 2021 dated 30.11.2021, wherein, very specifically in Highways, arches, boards, placards, hoardings, display boards have been banned from being erected.

7. The petitioner cannot claim any right to put up Arches or Pandals. The petitioner may concentrate on worshipping the deity which would be of more effect rather than putting up publicity materials like arches and banners by which, the common people and those who are driving the vehicles would only vent there feelings against putting up of such arches. The petitioner would only draw the ire of the general public and this would only be focused on the deity of the temple and certainly the deity should not be put to such comments being passed by anybody. Let there be peace. Let there be harmony. Let the function conducted in the temple by the general public and let there not be any publicity arches, banners or anything else put up. The request of the petitioner had already been rejected by the Collector. Though that order is not



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questioned by the Writ Petitioner, a Mandamus cannot be issued.

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8. Accordingly, the Writ Petition stands dismissed. No

costs.

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Index :Yes/No
Internet :Yes/No
NCC : Yes / No

RM



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To
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C.V.KARTHIKEYAN, J.

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