



W.P.(MD)No.17796 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:25.07.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.17796 of 2023
and
W.M.P.(MD).No.14856 of 2023

S.Michalos Joan of Arc Jose

... Petitioner

Vs

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

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

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent pertaining to its proceedings No.Nil dated 09.07.2023 and to quash the same and consequently directing the respondents to permit the petitioner to install temporary decorative arches from Thickanamode Junction to Kollai, Colachel to Mulagumoodu Road and Thickanamcode Junction to Thenkankuzhi Railway Bridge in connection with Our Lady of Assumption Church festival at Thickanamcode, Kanyakumari District scheduled from 06.08.2023 to 15.08.2023 by considering the representation of the petitioner dated 07.07.2023.

For Petitioner : Mr.SC.Herold Singh

For Respondents : Mr.SS.Madhavan
Government Advocate (Criminal Side)



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ORDER

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This Writ Petition is filed seeking for a direction to set aside the orders passed by respondent No.2, dated 09.07.2023, proceedings No.Nil, wherein, the permission sought for by the petitioner to built decorative arches on the road leading to Thickenamode Junction to Kollai, Colachel to Mulagumoodu Road and Thickenamcode Junction to Thenkankuzhi Railway Bridge for conducting of Church festival on 06.08.2023 to 15.08.2023, was rejected.

2. It is submitted by learned counsel for the petitioner that the Church of Our Lady of Assumption where the festivals are being conducted is of 117 years old and a festival is being conducted every year for a period of ten days and also 1500 families offer worship regularly.

3. It is submitted that the petitioner is intending to erect thirty decorative illuminated arches all long the Thickenamcode Junction to Kollai, Colachel to Mulagumoodu Road, Thickenamcode Junction to Thenkankuzhi Railway Bridge leading to the Church. However, the request of the petitioner filed on 07.07.2023 was declined by the respondent Police on the ground that if obstruction with flow of traffic and the second one is danger to the public, in case, if the arches fall on the persons, who are attending the function. The petitioner has filed a copy of the order of this Court in W.P.(MD).No.16277 of



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2022, dated 26.07.2022, wherein, when a similar request was made to the respondent Police and the same was declined and thereby, the petitioner had approached this Court, a direction was given to the Police. Accordingly, permission was granted and the festival was conducted by erecting the arches.

4. Learned Government Advocate (Criminal Side) on the other hand submits that the Police have no objection, in case, if safety standards are maintained and number of arches are limited.

5. Considering the circumstances, this Writ Petition is allowed, directing the petitioner to erect about 12 arches from Thickenamcode Junction to Thenkankuzhi Railway Bridge by taking extra care in respect of usage of material for erection of arches, so that, the arches shall not fall due to huge winds and that the petitioner shall give an undertaking that he will take all safety measures and will not leave the undertaking about the safety measures and that will take personal risk in respect of the safety of the people. Consequently, the connected miscellaneous petition is closed. No costs.

25.07.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

<https://www.mhctn.gov.in/judis>



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DR.D.NAGARJUN, J.

tsg

To

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

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