



W.P.(MD) No.19945 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.19945 of 2023

Xavier Bruce

... Petitioner

/vs./

1.The District Collector,
Kanyakumari District, at Nagercoil.

2.The Superintendent of Police,
Kanyakumari District
at Nagercoil.

3.The Inspector of Police,
Puthukkadai Police Station,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating the impugned proceedings issued by the 3rd respondent Inspector of Police dated 10.08.2023 and to quash the same and consequently direct the 3rd respondent to permit the petitioner to erect decorative arches from Thengapattanam to



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Vettumani and Chadayankuzhi to Ganapathiyankadavu Bridge in connection with festival of Church of Our Lady of Health at Munchirai, Puthukadai, Kanyakumari District scheduled from 01.09.2023 to 10.09.2023.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (criminal side)

ORDER

This Writ Petition is filed seeking for a direction to set aside the orders passed by respondent No.3 dated 10.08.2023, wherein, the permission sought for by the petitioner to built decorative arches from Thengapattanam to Vettumani and Chadayankuzhi to Ganapathiyankadavu Bridge for conducting of Church festival from 01.09.2023 to 10.09.2023, 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.



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3.It is submitted that the petitioner is intending to erect thirty decorative illuminated arches all long from Thengapattanam to Vettumani and Chadayankuzhi to Ganapathiyankadavu Bridge. However, the request of the petitioner filed on 01.08.2023 was declined by the respondent Police on the ground that of 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.6667 of 2022, dated 11.04.2022, 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 10 arches from from Thengapattanam to Vettumani and



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Chadayankuzhi to Ganapathiyankadavu 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. No costs.

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

24.08.2023

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Note : Issue order copy on 28.08.2023

To

- 1.The District Collector,
Kanyakumari District, at Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District
at Nagercoil.
- 3.The Inspector of Police,
Puthukkadai Police Station,
Kanyakumari District.

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DR.D.NAGARJUN, J.

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