



WP(MD) No.6145 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.6145 of 2024

and

W.M.P.(MD) No.5767 of 2024

V.Mohan Kumar

... Petitioner

/vs./

1.The District Collector,
Nagercoil 629 001,
Kanyakumari District.

2.The Superintendent of Police,
Nagercoil 629 001,
Kanyakumari District.

3.The Deputy Superintendent of Police,
Colachel Sub Division,
Kanyakumari District.

4.The Inspector of Police,
Kollemcode Police Station,
Kollemcode 629 160,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent, Inspector of Police dated 26.02.2024, quash the same and further direct the 3rd and 4th respondents herein to give permission to the Petitioner namely, Kollemcode Vattavila Sree Bhadrakali Devaswom, Kollemcode, Kanyakumari for erecting Decorative Arches and Pandals in the event of conducting festival at Sree Bhadrakali Temple, Kollemcode, Kanyakumari District, which is scheduled from 01.04.2024 to 10.04.2024.

For Petitioner : M/S.Isaac Chambers

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

ORDER

The learned Counsel for the Petitioner submits that the Petitioner is the Secretary of Kollemcode Vattavila Sree Bhadrakali Devaswom, Kollemcode, Kanyakumari District. It is the submission of the learned Counsel for the Petitioner that the festival of Kollemcode Bhadrakali Temple is to be celebrated from 01.04.2024 to 10.04.2024 regarding erecting decorative Arches and Pandals in the event of conducting festival at Sree Bhadrakali Amman Temple, Kollemcode, Kanyakumari District. He would further submit that the permission



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sought by the Organizing Committee of the temple with the Respondents was refused, as per the proceedings of the fourth Respondent. It is his further submission that in the previous year, they had obtained an order from this Court by filing W.P.(MD) No.2994 of 2023 for erecting Pandals and Arches. When the order of this Court was produced before the Authorities, the fourth Respondent refused stating that such order was specifically for the previous year. Therefore, the Petitioner was forced to file this petition.

2.The learned Counsel for the Petitioner submits that the Petitioner undertakes to verify the stability of the Pandals and Arches put up on the road margins. The objection of the Respondent is that it affects the vehicular traffic. Also, the stability of the same has to be asserted. It may result in collapse, whereby the common citizens, the public at large will be at risk of suffering injuries caused to the fall of the temporary structures put up as Pandals or as Arches. It causes hindrance to the vehicular traffic. Therefore, they are objecting.

3.The learned Counsel for the Petitioner submits that the Organizers of the festival committee are ready to give the following undertakings:-



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“1) The decorative arches and pandals will be erected without hindrance to the public or vehicular traffic.

2.The stability of the arches will be got certified by licensed Engineers. Conventionally we use matured arrangement logs which have more strength than any other trees in constructing the arches.

3.We further assure that we will remove the arches immediately after the final day of festival.

4.Further we will co-operate with the police in maintaining the arches and safeguarding the strength and stability of the arches.”

4.He relied on the order passed by this Court in ***W.P.(MD) No.2994 of 2023 (The Secretary, Kollemcode Vattavila Sree Bhadrakali Devaswom, Kollemcode 629 160, Kanyakumari District Vs. The District Collector, Kanyakumari District and another) dated 15.02.2023.***

5.The learned Government Advocate (Crl.side) submits that the Respondents had rightly rejected the representation of the Petitioner on the consideration of the safety of the public, the road users.



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6.Recording the submissions made on either sides, the Petitioner is directed to give a fresh representation and also file an undertaking affidavit before the fourth Respondent and on such filing of the representation and the undertaking affidavit, the fourth Respondent is directed to consider the representation of the Petitioner and pass orders by imposing necessary conditions. It is made clear that the manner of erection as well as the number of arches and pandals will conform to what was done during the previous years.

7.With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

14.03.2024

Index : Yes / No
Internet : Yes / No
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TO:

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Nagercoil 629 001,
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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
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Dated:
14.03.2024