



W.P.(MD)No.13062 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

W.P.(MD) No.13062 of 2018

and

W.M.P(MD)No.11933 of 2018

Arul Migu Ramanathaswami Rathaveethigal Makkal Nala Sangam,
Rep by its Secretary,
M.P.Thilai Backiyam,
S/o.Perumal,
No.41A, ARP Illam,
Sudukattanpatti,
Rameshwaram,
Ramanathapuram District.

... Petitioner

-VS-

1. The State of Tamilnadu,
Rep. by its Principal Secretary,
Department of Municipal and Local Administration,
St.George Fort, Secretariat,
Chennai-9.

2. The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram District.

3. The Rameswaram Municipality,
Rep. by its The Municipal Commissioner,
Rameswaram,
Ramanathapuram District.



W.P.(MD)No.13062 of 2018

4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Ramanathaswami Temple,
Rameswaram.

(R4 is *suo motu* impleaded vide Court order dated.12.02.2024 in W.P(MD)No. 13062 of 2018)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to reopen the closed Rathaveethi Streets and resume vehicular traffic in the streets around Ramanathaswamy Temple, Rameswaram, within the time frame stipulated by this Hon'ble Court.

For Petitioner	: Mr.S.Rajasekar
For R1 & R4	: Mr.P.Thilakkumar, Government Pleader
For R2	: Mr.E.Antony Sahaya Prabhakar Additional Public Prosecutor
For R3	: Mr.M.Kannan

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.S.Rajasekar, learned counsel for the petitioner, Mr.P.Thilakkumar, learned Government Pleader appearing for the respondents 1 and 4, Mr.E.Antony Sahaya Prabhakar, learned Additional Public Prosecutor appearing for the 2nd respondent and Mr.M.Kannan, learned counsel for the 3rd respondent.



W.P.(MD)No.13062 of 2018

WEB COPY

2. The learned Advocate for the petitioner submits that Rathaveethi Streets near the Ramanathaswamy Temple, Rameshwaram, are closed for vehicles of all types. The same causes inconvenience to the public and also to the persons residing and doing business on the said streets. The question is of their livelihood.

3. It is submitted that the police authorities, upon consideration of the position, has regulated the vehicular traffic. It has not closed the road, but only within the periphery of 500 metres of the temple, the vehicles are not permitted. The streets are not closed.

4. Under Section 115 of the Motor Vehicles Act, 1988, the State Government or the authority empowered by it, is empowered to prohibit or restrict, subject to such exceptions and conditions as may be specified in the notification, the driving of motor vehicles or of any specified class or description of motor vehicles or the use of trailers either generally in a specified area or on a specified road and when any such prohibition or restriction is imposed, shall cause appropriate traffic signs to be placed or erected under Section 116 of the Act, 1988, at suitable places.



W.P.(MD)No.13062 of 2018

WEB COPY

5. It would appear that the provision empowers the authority to regulate the traffic on a street and to prohibit the vehicles at a particular street for a transient period. The review has to be undertaken periodically by the authorities concerned as to the need for restriction.

6. It is further submitted that there was a peace committee meeting held between the police authorities, municipal authorities and the petitioner and the same was decided. The earlier writ petition was filed by one A.Nagaraj bearing W.P(MD)No.1869 of 2015 for the same purpose.

7. In the light of that, it is for the authorities to consider the restraint on the vehicular traffic.

8. With the aforesaid observation, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., C.J.]

[G.I., J.]

27.02.2024

Index : Yes / No
Neutral Citation : Yes / No
bala



W.P.(MD)No.13062 of 2018

WEB COPY

To:

1. The Principal Secretary,
State of Tamilnadu,
Department of Municipal and Local Administration,
St.George Fort, Secretariat,
Chennai-9.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram District.
3. The Rameswaram Municipality,
Rep. by its the Municipal Commissioner,
Rameswaram,
Ramanathapuram District.
4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Ramanathaswami Temple,
Rameswaram.



WEB COPY



W.P.(MD)No.13062 of 2018

THE HONOURABLE CHIEF JUSTICE
and
G.ILANGO VAN, J.

bala

W.P.(MD) No.13062 of 2018

27.02.2024