

VERDICTUM.IN

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

Friday, the 3rd day of November 2023 / 12th Karthika, 1945

WP(C) NO. 1550 OF 2015

PETITIONERS:

1. BINOJ K.B., AGED 39, S/O.BHUVANACHANDRAN, KAMBILLIL HOUSE, MOSQUE ROAD, NEAR KOTTARAM BHAGAVATY TEMPLE, MARADU P.O, MARADU VILLAGE, KANAYANNOOR THALUK, ERNAKULAM DISTRICT (REPRESENTED BY HIS POWER OF ATTORNEY SAJEEV K.B., S/O.BHUVNACHANDRAN, SOUPARNIKA (KAMBILIL), SRRA-17, 9/464A, SOCIETY ROAD, MARADU P.O., MARADU VILLAGE, KANAYANNOOR THALUK, ERNAKULAM DISTRICT - 682 304.
2. KUNJAMMA AUGUSTINE, W/O.LATE P.A.AGUSTINE, PAZHAMPALLIL HOUSE, MUTHEDOM WARD, MARADU P.O, MARADU VILLAGE, KANAYANNOOR THALUK, ERNAKULAM DISTRICT.
3. ROBY P.A., S/O.LATE P.A.AGUSTINE, PAZHAMPALLIL HOUSE, MUTHEDOM WARD, MARADU P.O, MARADU VILLAGE, KANAYANNOOR THALUK, ERNAKULAM DISTRICT.
4. REGHUNATH NAIR, S/O.A.K.SUKUMARAN, KAMBILLIL HOUSE, MOSQUE ROAD, NEAR KOTTARAM BHAGAVATHY TEMPLE, MARADU P.O., MARADU VILLAGE, KANAYANNOOR THALUK, ERNAKULAM DISTRICT.
5. P.C.ELIYAMMA CHACKO, AGED 74 YEARS D/O.P.I.CHACKO, PAZHAMPALLIL HOUSE, MUTHEDOM WARD, MARADU P.O., MARADU VILLAGE, KANAYANNOOR THALUK, ERNAKULAM DISTRICT.
6. P.ASHOKAN, AGED 57 YEARS S/O.LATE SRI.PADMANABHAN, BLAIPADOM, OFF MOSQUE ROAD, MARADU P.O., ERNAKULAM.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN: 695 001.
2. THE DISTRICT COLLECTOR ERNAKULAM.
3. ADDITIONAL DISTRICT MAGISTRATE FORT KOCHI, ERNAKULAM.
4. THE ENVIRONMENTAL ENGINEER KERALA STATE POLLUTION CONTROL BOARD, DISTRICT OFFICE, NEAR FIRE STATION, KADAVANTHARA ROAD, GANDHI NAGAR, ERNAKULAM - 682 020.
5. THE COMMISSIONER OF POLICE ERNAKULAM.
6. THE SUB INSPECTOR OF POLICE MARADU, ERNAKULAM.
7. THE CHIEF CONTROLLER OF EXPLOSIVES SOUTHERN CIRCLE CHENNAI, TAMIL NADU - 600 001.
8. THE DIRECTOR OF EXPLOSIVES REGIONAL OFFICE KAKKANADU, ERNAKULAM.
9. MARADU MUNICIPALITY REPRESENTED BY ITS SECRETARY, MARADU, ERNAKULAM.
10. MARATTIL KOTTARAM BHAAVATHY TEMPLE REPRESENTED BY ITS PRESIDENT, ADMINISTRATIVE COMMITTEE, MARATTIL KOTTARAM BHAGAVATHY TEMPLE, MARADU, KANNAYANUR TALUK, KOCHI - 682 304, ERNAKULAM DISTRICT.
11. N.S.S. KARAYOGAM NUMER - 1921 REPRESENTED BY ITS PRESIDENT, M.RADHAHKRISHNAN, NEAR SREEDEVI AUDITORIUM, MARADU, KANNAYANUR TALUK KOCHI - 682 304, ERNAKULAM DISTRICT.
12. N.S.S KARAYOGAM NUMBER - 2068 REPRESENTED BY ITS PRESIDENT, POONITHURA, PETTAH, KANNAYANUR TALUK, KOCHI, ERNAKULAM DISTRICT.

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13. K.G.INDUKALADHARAN SO.GOVINDA MENON PRESIDENT, ADMINISTRATIVE COMMITTEE, MARATTIL KOTTARAM BHAGAVATHY TEMPLE, MARADU, KANNAYANUR TALUK, KOCHI, ERNAKULAM DIST.
14. KUNDUVELI NANDAKUMAR S/O.MELETHU CHANDRASHEKHARA MENON, SECRETARY, MARATTIL KOTTARAM BHAGAVATHY TEMPLE, MARADU, KANNAYANUR TALUK, KOCHI - 682304, ERNAKULAM DIST.
15. HARI KUMAR S/O.PADMANABHA MENON ALIS THANKAMONY, THREASURER, MARATTIL KOTTARAM BHAGAVATHY TEMPLE, MARADU, KANNAYANUR TALUK, KOCHI - 682 304, ERNAKULAM DIST.
16. THE SECRETARY MARATTIL KOTTARAM, VADAKKE CHERUVARAM, KANNAYANUR TALUK, KOCHI - 682 304, ERNAKULAM DIST.
17. THE SECRETARY SREE MARATTIL KOTTARAM BHAGAVATHY DEVASWOM, THEKKE CHERUVARAM, MARADU, KANNAYANUR TALUK, KOCHI - 682 304, ERNAKULAM DISTRICT.
ADDITIONAL R18
18. DR.M.K. JOY AGED 68 YEARS S/O KRISHNAN, MUNNOORPILLY HOUSE, HIGH SCHOOL ROAD, MARADU P.O., PIN-682304.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct respondents 7 and 8 to refrain from granting permit to respondents 10 to 15 from carrying out any activities to conduct fire works in and around the 10th respondent temple in connection with Thalappoli Festival which is scheduled to be conducted on 2nd and 3rd of March 2014, pending disposal of the above Writ Petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 27.10.2023 and upon hearing the arguments of M/S R.SURAJ KUMAR, V.BEENA, V.DEEPA and SUNIL J.CHAKKALACKAL, Advocates for the petitioners, STATE ATTORNEY for R1 to R3, R5 and R6, SRI.T.NAVEEN, STANDING COUNSEL FOR R4, SRI. T.R.RAJAN, STANDING COUNSEL for R9, SMT.K.RAMAKUMAR, Senior Advocate along with M/s. S.M.PRASANTH, DINESH.C, ASHA BABU, RENJITH G., AMMU CHARLES, JINNU SARA GEORGE, Advocate for R10, R11, R12, R16 and R17 and of M/s. K.P.SANTHI, RILGIN V.GEORGE and DHANYA E.V., Advocates for R13 to R15, the court passed the following:

p.t.o

AMIT RAWAL, J.

W.P.(C) No.1550 of 2015

Dated this the 3rd day of November, 2023

ORDER

Petitioners have sought the intervention of this Court for preventing the bursting of the crackers in all the religious places situated in Kerala. It is contended that explosive licences are being issued by the District Collector under Explosive Rules. All the temple holders, except few, are not having any licences. Even if the licences are issued, they should not be issued, for bursting causes noise and air pollution also. Crackers are busted at odd hours disturbing peace.

2. This fact is not denied by the learned counsel representing the respondents as well as the fact that even this Court had also heard the noise of the crackers even after the midnight.

3. I thus direct the Deputy Collector with the Assistance of the Commissioner of Police, Cochin and other districts, to conduct raids in all religious places and take into possession of the

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crackers illegally stored in all religious places and issue instructions that henceforth onwards no crackers shall be burst in religious places at odd time as *prima facie* there is no commandment in any of the holy book to burst crackers for pleasing the God.

4. Let this order be circulated to all the District Collectors in Kerala for compliance. It is made clear that in case after today's order if it is found or reported bursting of crackers, court may be compelled to initiate contempt proceedings.

State Counsel is directed to submit a report on this before the next date of hearing. Post this matter on 24.11.2023.

Sd/-

AMIT RAWAL
JUDGE

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