

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR.JUSTICE N.ANIL KUMAR

WEDNESDAY, THE 16TH DAY OF JANUARY 2019 / 26TH POUSHA, 1940

WP(C).No. 1004 of 2019

PETITIONER/S:

K.RAMESHAN
AGED 49 YEARS
S/O.LATE KRISHNAN, PANAVALAKATHU HOUSE, NCC ROAD,
AMBALAMUKKU, THIRUVANANTHAPURAM.

BY ADV. SMT.M.SANTHI (K/868/2011)

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY, HOME DEPART, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.
- 2 DIRECTOR GENERAL OF POLICE
POLICE HEAD QUARTERS, VAZHUTHACAUD,
THIRUVANANTHAPURAM.
- 3 SUB-INSPECTOR OF POLICE
PAMPA POLICE STATION, PATHANAMTHITTA DISTRICT.

SR.GP SRI.P.P.THAJUDEEN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16.01.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

P.R.Ramachandra Menon, J.

The petitioner is before this Court stating that unlawful restrictions are being made by the respondent police with regard to the right of the petitioner to offer his prayers to Lord Ayyappa as a devotee. It is stated that he has been visiting the Sabarimala Temple for the past 15 years and that the petitioner has been given to understand that he will not be given entry for darsan at Sabarimala. It is also stated that the course of action sought to be pursued by the police is beyond all canons of law and against the fundamental rights of the petitioner.

2. The learned Senior Government Pleader submits, on the basis of the instructions received, that the attempt of the petitioner is not to visit Sabarimala as a devotee; but to collect amounts from various traders at Sabarimala to whom amounts have been advanced by him as an unauthorised money lender. There is every chance for threatening the traders by the petitioner and the antecedents of the petitioner are not quite good; he having been made as an accused in six crimes, one of which was in respect of offence under Section 302 IPC, though he came to be acquitted for want of evidence in the said case. The

particulars of the crime as given by the learned Government Pleader are with reference to Crime Nos.271/1997, 124/2003, 458/2005, 120/2007 and 390/2007 all of Peroorkada Police Station in respect of various offences including under the Arms Act as well. The latest one is Crime No.315/2018 in respect of an incident occurred on 23.12.2018 registered in the police station at Pampa, where he has been arrayed as the second accused. The petitioner was arrested and was later released on bail. The learned Government Pleader submits that investigation is going on .

3. After hearing both the sides, in so far as the petitioner's right as a devotee cannot be prevented, or stalled but for imposing reasonable restrictions to the requisite extent, we find it appropriate to permit the petitioner to have the 'darsan' at Sabarimala on the basis of the assurance and undertaking given by the learned counsel that the petitioner will not get involved in any offence punishable under any provisions of law, nor will he cause any act of threatening or intimidating anybody; whether it be the traders or others.

4. We record the undertaking and assurance as above. We also make it clear that the petitioner shall report before the Special Officer posted at Nilackal, the Special Officer at Pampa

and also the Special Officer at Sannidhanam so as to enable the police to monitor the movements and activities of the petitioner in connection with the pilgrimage stated as sought to be pursued by him.

The writ petition stands disposed of accordingly.

Sd/- P . R . RAMACHANDRA MENON

JUDGE

Sd/- N . ANIL KUMAR

JUDGE

okb

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1

**TRUE COPY OF THE REPRESENTATION BEFORE THE
2ND RESPONDENT DATED 7/01/2018.**

/true copy/

P.A. TO JUDGE.