



2024/KER/18164

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 7TH DAY OF MARCH 2024 / 17TH PHALGUNA, 1945

WP(C) NO. 1587 OF 2024

PETITIONER:

SREEJITH MB, AGED 44 YEARS
S/O BALACHANDRAN NAIR, MULLEPPILLY AYILYAM HOUSE,
U C COLLEGE PO, ALUVA, PIN - 683102

BY ADVS.
AZHAR ASSEES
HARRIS BEERAN
ANAND B. MENON

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 ALUVA MUNICIPALITY
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE, ALUVA, PIN -
683101
- 3 THE DISTRICT COLLECTOR
CIVIL STATION, KAKKANAD, ERNAKULAM, PIN - 682030
- 4 ASSISTANT EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT, ALUVA, PIN - 683101
- 5 CHIEF ENGINEER (MECHANICAL)
OFFICE OF THE CHIEF ENGINEER, KERALA WATER AUTHORITY
THIRUVANANTHAPURAM, PIN - 695033
- 6 EXECUTIVE ENGINEER
OFFICE OF THE EXECUTIVE ENGINEER, PWD MECHANICAL DIVISION,
CALICUT, PIN - 673020
- 7 ASST.EXECUTIVE ENGINEER
OFFICE OF THE ASSISTANT EXE. ENGINEER, PWD MECHANICAL SUB
DIVISION, CHALAKUDY, PIN - 680307
- 8 DISTRICT FIRE OFFICER



**FIRE AND RESCUE SERVICES, GANDHINAGAR, KADAVANTHARA
ERNAKULAM, PIN - 682020**

- 9 ENVIRONMENT ENGINEER
DISTRICT OFFICE, KERALA STATE POLLUTION CONTROL BOARD,
GANDHI NAGAR, ERNAKULAM, PIN - 682020**
- 10 SUPERINTENDENT OF POLICE
OFFICE OF THE ALUVA RURAL SP, POWER HOUSE ROAD, ALUVA, PIN
- 683101**

**BY ADVS.
K T THOMAS
P.MOHANDAS(ERNAKULAM)
NIKHIL BERNY(K/674/2014)
K.SUDHINKUMAR
SABU PULLAN
GOKUL D. SUDHAKARAN
R.BHASKARA KRISHNAN
BHARATH MOHAN
K.P.SATHEESAN (SR.)**

OTHER PRESENT:

SMT. VIDYA KURIAKOSE, GP

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.03.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**JUDGMENT**

The petitioner has approached this Court seeking a direction to the second respondent – Municipality “*to prohibit the operation of temporary Amusement Park at Aluva Shivaratri Manappuram*” without necessary clearances, permissions, “No Objection Certificates” and approvals obtained from the competent officials, as mandated in Ext.P2 Government Order.

2. Sri.Harris Beeran – learned counsel for the petitioner, submitted that his client has been constrained to approach this Court because, the Aluva Municipality has, in the past, exhibited lackadaisical approach in the establishment of the temporary Amusement Park, thus endangering ordinary citizens; and therefore, that it is necessary and imperative to direct them to allow any such, only after proper inspections and in strict compliance of the guidelines enumerated in Ext.P1 judgment and Ext.P2 Government Order. He thus prayed that the reliefs sought for in this writ petition be granted.

3. Sri.K.T.Thomas - learned standing counsel for the Municipality, submitted that, even without this writ petition having been filed, his client would not have allowed the establishment of the temporary Amusement Park, without obtention of every requisite permissions, approvals and



clearances, as are mandatory consequent to Ext.P1 judgment and Ext.P2 Government order. He then refuted the submissions of Sri.Harris Beeran, asserting that his client has always taken the safety of the devotees as being paramount; and that all imputations to the contrary are uncorroborated and malicious. He thus prayed that this writ petition be dismissed; undertaking that any temporary Amusement Park will be allowed to be established and operated only as per law, in strict compliance of every statutory and mandatory safety requirements, as are applicable.

4. The above submissions of Sri.K.T.Thomas surely now allay the apprehension of the petitioner substantially, if not fully.

5. There can be little doubt that any Amusement Park - be that temporary or permanent - will have to adhere to every requirement in law, particularly safety criteria, because if any mishap is to happen, it would have a cataclysmic effect, especially when it is common knowledge that large number of devotees and others would throng the festival.

I, therefore, allow this writ petition, recording the afore undertaking of Sri.K.T.Thomas; with a consequential direction to the Aluva Municipality to ensure that any temporary Amusement Park be established for the Shivaratri festival, scrupulously complying with the directives in Ext.P1



judgment and in full adherence to Ext.P2 Government Order, which shall be ensured through proper and necessary inspections and safety audits.

Sd/- DEVAN RAMACHANDRAN
JUDGE

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**APPENDIX OF WP(C) 1587/2024****PETITIONER EXHIBITS**

- Exhibit P1** A TRUE COPY OF JUDGMENT DATED 29.09.2020 OF THIS HON'BLE COURT IN W.P(C) 5673 OF 2017
- Exhibit P2** A TRUE COPY OF THE G.O (RT) NO-1559/2020/LSGD DATED 20.08.2020
- Exhibit P3** A TRUE COPY OF THE LETTER DATED 15.02.2023 BEARING NO. DB/ CARNIVAL ISSUED BY THE 6TH RESPONDENT TO THE 2ND RESPONDENT MUNICIPALITY
- Exhibit P4** A TRUE COPY OF THE LETTER SENT BY THE 6TH RESPONDENT TO THE 5TH RESPONDENT ON 17.02.2023
- Exhibit P5** A TRUE COPY OF THE LETTER DATED 17.02.2023 BEARING NUMBER C.M.U/51/2023-CK DATED 17.02.2023 ISSUED BY THE 5TH RESPONDENT TO THE 2ND RESPONDENT
- Exhibit P6** A TRUE COPY OF RTI APPLICATION DATED 05.12.2023 SUBMITTED BY THE PETITIONER BEFORE THE 7TH RESPONDENT
- Exhibit P7** A TRUE COPY OF REPLY DATED 03.01.2023 TO THE EXHIBIT P6 RTI APPLICATION ISSUED BY THE 7TH RESPONDENT
- Exhibit.P8** A TRUE COPY OF THE LETTER AND SITE PLAN DATED 17-02-2023 SUBMITTED AT ALUVA MUNICIPALITY BY THE ORGANISER OF 2023 SHIVARATRI MELAS AND AMUSEMENT PARKS
- Exhibit.P9** A TRUE COPY OF THE SITE NOC LETTER BEARING NO-DFOEKM/555/2023/F DATED 09-02-2023 ISSUED BY THE 8TH RESPONDENT
- Exhibit.P10** WAS CONVERTED TO PLANT NURSERY AFTER TWO DAYS. THE PHOTOGRAPHS TO SHOW THAT THE TEMPORARY FIRE STATIONS CONVERTED TO PLANT



NURSERY

- Exhibit.P11** **THE PHOTOGRAPHS TO SHOW THE FLOODING AT THE AREAS WHERE THE TEMPORARY AMUSEMENT PARK**
- Exhibit.P12** **A TRUE COPY OF THE PHOTOGRAPHS OF THE AMUSEMENT RIDES INSTALLED DURING 2023 SHIVARATRI**
- Exhibit P13** **A TRUE COPY OF THE JUDGEMENT OF THIS HON'BLE COURT DATED 16-02-2024 IN WP(C) NO.4602/2024**
- Exhibit P14** **A TRUE COPY OF THE NEWSPAPER ARTICLE PUBLISHED IN MALAYALA MANORAMA DAILY ON 26.02.2024**
- Exhibit P15** **A TRUE COPY OF THE NEWSPAPER ARTICLE PUBLISHED IN MATHRUBHUMI DAILY ON 26.02.2024**
- Exhibit P16** **A TRUE COPY OF THE WRIT PETITION IN W.P(C) NO.7702/2024**
- Exhibit P17** **A TRUE COPY OF THE NEWSPAPER ARTICLE PUBLISHED IN KERALA KAUMUDY DAILY ON 28.02.2024**