

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

&

THE HONOURABLE MR. JUSTICE K. V. JAYAKUMAR

THURSDAY, THE 26TH DAY OF FEBRUARY 2026 / 7TH PHALGUNA, 1947

WP(C) NO. 3534 OF 2026

PETITIONER:

A M UDAYAN, AGED 54 YEARS
S/O MADHAVANANACHAL ARAKKAPARAMBU HOUSE, NEDUMPPILLY,
THATHAPPILLY PO., THATHAPPILLY, NORTH PARAVUR,
ERNAKULAM, PIN - 683520

BY ADV.
SMT.K.V.RASHMI

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
- 2 THE DISTRICT COLLECTOR
ERNAKULAM DISTRICT, COLLECTORATE, KAKKANAD,
ERNAKULAM, PIN - 682030
- 3 THE REVENUE DIVISIONAL OFFICER
THE REVENUE DIVISIONAL OFFICER, FORT KOCHI,
1ST FLOOR, KB JACOB ROAD,
ERNAKULAM DISTRICT, PIN - 682001
- 4 THE SUPERINTENDENT OF POLICE (RURAL)
THE SUPERINTENDENT OF POLICE (RURAL),
OPPOSITE TO POWER HOUSE, MUNNAR ROAD, ALUVA,



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ERNAKULAM DISTRICT, PIN - 683101

- 5 TRAVANCORE DEVASWOM BOARD
REPRESENTED BY ITS SECRETARY, DEVASWOM HEAD QUARTERS,
NANDANCODE, THIRUVANANTHAPURAM, PIN - 695003
- 6 THE MANAGING COMMITTEE
THE MANAGING COMMITTEE REPRESENTED BY ITS PRESIDENT
MANNAM SUBRAMANYA SWAMY TEMPLE, TEMPLE ROAD, MANAM,
ERNAKULAM DISTRICT, PIN - 683520

BY ADVS.

SRI. G. SANTHOSH KUMAR, SC, TDB

SRI. S. RAJMOHAN, SR. GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 26.02.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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‘CR’

JUDGMENT

K.V. Jayakumar, J.

This Writ Petition is filed under Article 226 of the Constitution of India.

2. Sri. A. M. Udayan states that he is a devotee of Mannam Sree Subramanya Swamy Temple. He is a permanent resident of Thathapilly, which is within a four-kilometre radius from the temple. The annual festival of the aforesaid temple is being conducted by the 6th respondent/Managing Committee in the months of January and February 2026. The festival of this year commenced on 23.01.2026 and ended on 01.02.2026.

3. The petitioner further states that there is a longstanding practice of conducting the 'kavadi' procession along the PWD public roads, blocking the ingress and egress in Aluva-Paravur Road, Mannam-Peruvaram, Mannam-Thathappilly Road, and the surrounding public streets and spaces in connection with the annual festival of the temple. It is contended that such processions result in the obstruction of ingress and egress, thereby impeding the free movement of residents, particularly the elderly and students, and disrupting the normal course of



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daily life. Furthermore, the procession purportedly creates a life-threatening hazard by obstructing the passage of emergency vehicles, including ambulances and fire engines. It is in this backdrop, the petitioner approached this Court with the following reliefs:

“a) A Writ of Mandamus or any other appropriate writ, order, or direction commanding the Respondents 2 to 5 to ensure that the temple festival is confined strictly within the boundaries of the temple property;

b) A Writ of Mandamus or any other appropriate writ, order, or direction directing the respondents 2 to 4 to prevent obstructions on the public road pedestrian pathways that hinder the free movement of traffic and the general public;

c) A Writ of Mandamus or any other appropriate writ, order, or direction commanding the Respondents 2 to 5 to consider and pass orders on the Ext P1, P2 and email complaints submitted by the petitioner before the commencement of the festival scheduled to be held on 31.01.2026 and 01.02.2026;

d) A Writ of Mandamus or any other appropriate writ, order, or direction directing the 6th respondent to conduct all festival activities of the temple within the temple premises, without causing obstructions to traffic or public life;

e) A Writ of Mandamus or any other appropriate writ, order, or direction to the 4th respondent to ensure free flow of traffic, maintenance of law and order, and compliance with noise pollution norms during the festival period;



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f) Declare that permitting religious festivals on public roads, despite availability of sufficient temple land, is illegal and unconstitutional.”

4. This Court, after considering the submissions of the parties and examining the facts and circumstances of the case, by an interim order dated 30th January 2026, issued the following directions:

1. The 4th respondent/Superintendent of Police (Rural) shall make necessary arrangements for the smooth conduct of the activities connected with the festival, particularly the kavadi procession passing through the public roads, hereinbefore stated, avoiding traffic blocks and related issues, in consultation with the 6th respondent/Managing Committee of the temple.
2. The 4th respondent shall make necessary arrangements to ensure that the entire width of the road is not occupied by the devotees during the kavadi procession by demarcating the designated route through which the procession and participants shall pass.
3. The 4th respondent shall undertake such other measures as may be necessary to facilitate the smooth and orderly conduct of the festival.

5. When the matter was taken up for consideration on 09.02.2026, the fourth respondent, the District Police Chief, Ernakulam (Rural), submitted a detailed statement dated 07.02.2026, detailing the



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measures undertaken in compliance with the order of this Court dated 30.01.2026. It would be useful to extract the relevant paragraphs of the statement of facts:

“3) It is respectfully submitted that, in compliance with the directions issued by this Hon'ble Court by order dated 30.01.2026 in W.P.(C) No. 3534 of 2026, necessary instructions were issued to the Station House Officer, North Paravur Police Station, in connection with the conduct of the festival of Mannam Sree Subramanya Swamy Temple at Thathapilly, North Paravur, during the current year. A meeting was convened at North Paravur Police Station on 31.01.2026 with the Managing Committee of Mannam Sree Subramanya Swamy Temple (6th respondent) and other stakeholders to make necessary arrangements for the smooth conduct of the activities connected with the festival, particularly the kavadi procession passing through public roads on 01.02.2026, so as to avoid traffic obstruction and related issues. The Managing Committee of Mannam Sree Subramanya Swamy Temple (6th respondent) expressed its willingness to comply with the directions and instructions issued by this Hon'ble Court.

4) It is respectfully submitted that the 4th respondent, the Superintendent of Police (Rural), has complied with the directions issued by this Hon'ble Court in its order dated 30.01.2026 in W.P.(C) No. 3534 of 2026, in letter and spirit, and has taken all necessary measures on 01.02.2026 to facilitate the smooth and orderly conduct of the festival of Mannam Sree Subramanya Swamy Temple at Thathapilly, North Paravur, without causing any obstruction to traffic or public life.”

6. The learned counsel for the petitioner submitted that the law-enforcing agency was unable to control the crowd during the festival.



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In such circumstances, the learned counsel for the writ petitioner would submit that some general directions may be issued by this Court with regard to the crowd management in connection with the festivals of the temples, churches and mosques in the State of Kerala. The learned counsel would point out that the provisions of the Kerala Public Ways (Restriction of Assemblies and Procession) Act 2011 (hereinafter referred to as ‘the Act’) may be directed to be enforced strictly so that the crowd management in religious institutions during festivals would be done more effectively.

7. In the State of Kerala, there are as many as 6000 temples and numerous churches and mosques. The festival season in most of these religious institutions starts in the month of November and extends up to 31st May. Kerala is a land of festivals. Many of these festivals are celebrated with large gatherings and prayers. During such events, a significant number of people participate both as attendees observing the rituals and as spectators. However, these gatherings can become hotspots for various hazards, including stampedes, accidents caused by violent elephants, and firework-related incidents.

8. Apart from the daily routines, in almost all the religious institutions, annual festivals are celebrated, often causing hardships and inconveniences to the public due to traffic obstructions and other connected issues.



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9. In this Writ Petition, the learned counsel for the petitioner has highlighted numerous issues connected with festivals of religious institutions. The rituals like elephant parading in Hindu temples, the 'Pradakshinam' of devotees in Churches are often done through public roads and public places. Resultantly, it may cause traffic obstruction for hours together. There may be instances where even an ambulance cannot pass through the road to attend a medical emergency.

The Responsibility of Event Organizers

10. The primary responsibility for ensuring the safe conduct of festivals in religious institutions lies with the event organizers. They should ensure that such events are organized safely, without any threat to life or limb, and without infringing upon the rights of others. Of course, the organizers can seek assistance from various departments to facilitate the smooth conduct of the festival, such as the police, local authorities, fire services, hospitals, district administration, forest departments, and others. All these agencies and government bodies are expected to assist the organizers by providing their services to society.

11. The learned counsel has invited our attention to Sections 3, 4 and 5 of the Kerala Public Ways (Restriction of Assemblies and Processions) Act, 2011, which prohibit obstruction on public roads. The



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primary object of this act is the protection of public ways for unobstructed movement by the public and for imposition of reasonable restrictions on the rights of any section of the public to assemble and collectively move thereon, and to regulate procession through public ways and for matters connected therewith. Relevant provisions of the Act read thus:

3. Rights of the public for movement on public ways.-

On all public ways the public shall have, subject to the laws governing the control of traffic and safety of public, the right to unobstructed movement by vehicles along carriageways and on foot along footpaths.

4. Prohibition of obstruction on public ways.—(1)
No person shall cause any obstruction by conducting any business or meeting or assembly or procession or demonstration on any public way or part thereof.

(2) No meeting or assembly shall be conducted so as to obstruct any portion of the carriageway or footpath.

(3) No demonstration or procession shall be conducted in such a manner that the entire carriageway or free flow of traffic is fully obstructed.

5. Regulation of conduct of festivals, assemblies, meetings etc.—(1) Notwithstanding anything contained in sections 3 and 4, the District Police Chief may impose reasonable restrictions on the right of unobstructed movement of the public along public ways for a period not exceeding twenty four hours in any particular area, in all or any of the following instances, namely:—



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(a) for the conduct of religious or national festivals, which are customary and have been established by tradition and for the conduct of such festivals of social, cultural or public importance which are declared to be so by the District Magistrate;

(b) for security of the State or individuals which in the opinion of the District Police Chief necessitate such restrictions;

(c) for the conduct of public assemblies or meetings; and

(d) for the conduct of public demonstrations and processions.

(2) In cases where a dispute arises as to whether a festival is traditional or customary the authority empowered to impose such restrictions may decide the matter having due regard to the facts and circumstances of each case.

(3) Any person, association, organization, trust or body which requires the use of any portion of any public way for any purpose referred under subsection (1), shall apply to the District Police Chief at least seven days in advance for a licence for such use and furnish such details as may be specified by the District Police Chief and on remitting such fee as may be specified by the Government by general or special order:

Provided that no fee shall be levied for matters referred to in clauses (a) and (b) of sub-section (1):

Provided further that the District Police Chief may entertain an application in relaxation of the time limit specified under sub-section (3) for sufficient and genuine reasons.



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(4) (a) On receipt of an application under sub-section (3) the District Police Chief shall, after due consideration of the same, publish a notice regarding the nature, duration and other details of the restrictions imposed on the right of the public for unobstructed movement at any location or locality;

(b) All notices under clause (a) shall specify alternative routes or facilities available to the public for the duration of the obstruction and it shall be the duty of the District Police Chief to deploy such police strength in the area, free of cost or partly or fully at the cost of the licensees as may be decided by the District Police Chief having regard to the public importance of the event and subject to such guidelines as may be issued by Government from time to time for maintaining public order, catering to emergencies and mitigating the difficulties to the public;

(c) The District Police Chief shall issue a licence to the person, association, organization, trust or body which have applied for use of the public way, imposing such conditions in the licence, as he may deem just and reasonable.

(5) Notwithstanding anything contained in this section, the District Police Chief shall not permit any erection of any structure either of a permanent or temporary nature on any public way unless it is allowed in writing by the appropriate authority of the department in charge of the upkeep and maintenance of the particular public way.

(6) The fees levied under this Act, after deducting the cost of deployment of police personnel, if any, shall be deposited in the Criminal Justice Miscellaneous Expenses Fund maintained under section 127 of the Kerala Police Act, 2011 (8 of 2011).

(7) Nothing in this section shall be deemed to compel the District Police Chief to permit any demonstration or procession or assembly or meeting or festival, where he is



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satisfied that for considerations of public safety, convenience or security, such activity cannot be allowed.

(8) The District Police Chief may extend the duration of restrictions imposed under sub-section (1) to fifteen days with the concurrence of the District Magistrate and for a period more than fifteen days with the concurrence of the Government.”

The Issue of Crowd Management:

12. The issue of crowd management arises when a large number of people assemble in or around a place beyond the carrying capacity of the religious institutions. Whenever such institutions decide to conduct festivals that are likely to attract a significant gathering of people at a given location, it becomes their foremost duty to make necessary arrangements for the smooth conduct of the festival, ensuring that participants and the public in general do not face any hardships. Typically, vehicles are parked on either side of the public road, and temporary sheds are constructed on the footpath for commercial purposes. Due to overcrowding in and around religious institutions, law and order issues may frequently arise. Offences such as theft, extortion, robbery, and sexual assault often occur in crowded places. It is the duty of the police to ensure that law and order are maintained at festival sites and surrounding areas.



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Lack of proper planning and effective coordination

13. The persons in charge of the affairs of the religious institutions often fail to take the necessary steps to control the mob, parking facilities for the devotees or the spectators of the event. Seldom do they intimate the details of the event to the Police much in advance. Lack of effective coordination between the organisers of the festival, the Police, the local authority and the other agencies and instrumentalities of the Government may also adversely affect the smooth conduct of the festivals.

14. It is the duty of the Police to maintain law and order, public order and the prevention of crimes, whenever the people assemble in large numbers.

15. Section 149 of the Code of Criminal Procedure (corresponds to Section 168 of BNSS) clearly states that the prevention of crime is the duty of the police.

“168. Police to prevent cognizable offences.—Every police officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.”

16. We have heard the submissions of Adv. Rashmi K.V., learned counsel for the petitioner, Sri. S. Rajmohan, learned Senior Government



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Pleader and Sri. G. Santhosh Kumar, learned Standing Counsel for the Travancore Devaswom Board.

17. Sri. S. Rajmohan, the learned Senior Government Pleader, has invited the attention of this Court to various circulars issued by the State and the Police Department to control the crowd management during the festivals. The learned Counsel submitted that if the guidelines in those circulars are followed, the sensitive issue of crowd management during the festive season can be redressed to a great extent.

18. In circular 4/2025/PHQ dated 21.01.2025 issued by the Police Department, it is stated that the District Police Chief, while granting permission under Section 5(1)(a) of the Act of 2011, should take adequate care to ensure that roads are not completely obstructed and that one side of the road is open for traffic.

19. In Circular No. 30/2011, issued by the Police Headquarters, dated 23.09.2011, it is mentioned that the District Police Chief while granting license under Section 5(4) of the Act, shall publish a notice with regard to the nature, duration and details of restrictions imposed on the right of the public and also specify the alternative routes or facilities available to the public for the duration of the traffic obstruction. Paragraphs 4 and 7 of the said circular read thus:



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“4. The responsibilities of the District Police Chief regarding issue of license are as specified in Section 5(4) of the Act. The District Police Chief shall, after due consideration of the application, publish a notice regarding the nature, duration and other details of the restrictions imposed on the right of the public. Such notices shall specify alternative routes or facilities available to the public for the duration of the obstruction. The District Police Chief should deploy such police strength in the area, free of cost or partly or fully at the cost of the licensees, as may be decided by the District Police Chief (having regard to the Public importance of the event and subject to such guidelines as may be issued by Government from time to time) for maintaining public order, catering to emergencies and mitigating the difficulties to the public. The District Police Chief shall issue the licence imposing such conditions in the licence, as he may deem just and reasonable. This must be done to ensure maximum convenience and safety to the public which is possible under the circumstances. The District Police Chief shall not permit any erection of any structure on any public way unless it is allowed in writing by the appropriate authority of the department in charge of the upkeep and maintenance of the particular public way.

7. As per section 8 of the Act, the District Police Chief may, with the approval of the Government, delegate any of his powers under this Act to an officer not below the rank of Sub Divisional Police Officer within his jurisdiction. As the Government has not issued orders delegating the powers of District Police Chief so far, the District Police Chief will be the authority for maintaining the Act in his jurisdiction at present.”



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20. Circular No. 17/2009 dated 04.04.2009, is issued by the Police Headquarters, Thiruvananthapuram, intended to ensure the security of places of public religious worship. The relevant portion of the circular is extracted hereunder :

“Security of places of public religious worship is a very serious concern. In view of the increasing threat perceptions and security scenario in the country, places of worship present naturally vulnerable and easy targets to both terrorists and communal trouble-makers. Additionally, they can also be targeted for deliberate defilement to trigger communal back clash. They are also natural targets for theft, particularly when large amounts of cash are kept as offerings or when idols and properties which are extremely valuable are available in the premises.

02. For all these reasons, Police have to adopt a proactive approach towards the security of places of public religious worship.

03. Therefore, the every SHO shall maintain a "Register of Places of Public Worship". Two pages each will be allotted to each such place and the following details entered in respect of each place of Worship.

(1) Name and address.

(2) The details of Fairs/Festivals/Processions associated with the place.

(3) The size of crowd participating in such Fair/ Festival/



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Processions.

- (4) Any dispute that exists in relation to the place of worship.
- (5) Name and address of persons in charge of the place of worship.
- (6) Phone numbers of the concerned persons.
- (7) Contact phone numbers in emergency.
- (8) Contact phone numbers of neighbours / neighbouring premises.
- (9) Cost of valuables of a movable nature in the premises.
- (10) Dates on which SHO has visited the place.”

21. After a careful consideration of the submissions made by the counsels in the Court and on perusal of the materials placed on record, we deem it appropriate to dispose of this Writ Petition by issuing some comprehensive guidelines so as to ensure the crowd management, traffic obstruction, and other related issues in connection with the festivals of the religious institutions in the State of Kerala.

22. These guidelines are not intended to impede the sentiments of devotees nor to restrict their religious practices; rather, they are established to enhance the efficiency of such practices and to facilitate a hassle-free



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experience for the benefit of the devotees/spectators.

23. We deem it appropriate to issue the guidelines under three main heads:

- i) Prior to the conduct of the festival.
- ii) During the festival.
- iii) Subsequent to the festival.

A. PRIOR TO THE CONDUCT OF THE FESTIVAL

Advance intimation of the details of the procession

- a) The persons in charge of the affairs of the religious institutions/the organising committee shall intimate the District Police Chief of the District concerned, each and every detail of the festival, such as the date, the details of the procession, the time and the detailed programme chart at least three weeks prior to the festival. This step is necessary for ensuring sufficient arrangements for the police for the coordination of the activities.

Designating a competent police officer to oversee the affairs.

- b) On receipt of the advance intimation, the District Police Chief shall designate a Police Officer not below the rank of Sub Divisional Officer (Dy.SP) for the maintenance of law and order and public order situations during that festival.



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Inspection of place of mass gathering by the designated officer

- c) The Officer so designated by the District Police Chief shall thereupon proceed to visit the religious institutions concerned so as to collect the necessary details for the effective discharge of his duties.

Consultation Process

- d) The designated Police Officer shall conduct effective consultations with the organisers of the festival and the officers of the local authorities concerned and shall prepare an action plan for the hassle-free conduct of the festival. The Officer can also obtain necessary inputs from the local residents' associations.
- e) Thereafter, the designated Police Officer, shall ensure that necessary parking arrangements for the four wheelers and the two wheelers are arranged by the organisers of the event. The organisers can make use of the public or private spaces available in the locality for this purpose.

B. DURING THE FESTIVAL

Traffic management

- a) The designated police officer shall ensure that necessary measures are taken to prevent the parking of vehicles on the sides of the road near the place of the festival.
- b) Specific arrangements must be made for the control of the mob, such as one entry point and exit point, demarcating a way for the passage



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of an ambulance and for the evacuation of the crowd in case of emergency.

- c) Arrangements should also be made to prevent the construction of temporary sheds by the petty sellers on the footpath. Instead, they may be accommodated at suitable places to avoid the traffic congestion

Measures for the Protection of Women & Children.

- d) The officer shall endeavour to demarcate separate places exclusively for women and children to view the rituals/procession so as to ensure privacy and decency of that class.

Compliance of Green Protocols

- e) The green protocol issued by the Government from time to time shall be strictly adhered to. The arrangement should be made for the collection of the plastic waste and the biodegradable waste separately.

Deployment of the necessary police force

- f) The designated Police Officer shall ensure the deployment of the necessary Police force, including Women Police Officers, as may be required. The services of the Armed Battalion may also be utilised to handle the situation.

C. AFTER THE CULMINATION OF THE FESTIVAL

- a) The organisers of the festival, with the assistance of the local



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authority, shall restore the places of the festival to the original position with proper cleaning within twenty-four hours of the conclusion of the festival, strictly in conformity with the green protocol issued by the Government from time to time.

24. Before we part with this file, we direct the Registry to forward a copy of this judgment to the State Police Chief forthwith, who in turn shall forward it to the subordinate officers for compliance, along with necessary directives. We further direct the Registry to forward a copy of this judgment to all the Devaswom Boards of the State forthwith. The Devaswom Boards, in turn, shall forward a copy (soft copy or hard copy) of this judgment along with circulars to all the temples under their control for strict compliance.

The Writ Petition is disposed of as above.

Sd/-

RAJA VIJAYARAGHAVAN V
JUDGE

Sd/-

K. V. JAYAKUMAR
JUDGE

Sbna/-



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APPENDIX OF WP(C) NO. 3534 OF 2026

PETITIONER'S EXHIBITS

EXHIBIT P1	A TRUE COPY OF THE COMPLAINT HANDED OVER BY HAND TO THE 2ND RESPONDENT DATED 26.01.2026 IS PRODUCED HERewith AND MARKED AS EXHIBIT P1.
EXHIBIT P2	A COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 5TH RESPONDENT DATED 26.01.2026
EXHIBIT P3	A TRUE COPY OF THE COMPLAINT SENT VIA MAIL TO THE 4TH RESPONDENT DATED 28.01.2026