

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

Tuesday, the 20th day of January 2026 / 30th Pousha, 1947

WP(C) NO. 2173 OF 2026

PETITIONER(S):

M.K. VINAYAKUMAR, AGED 59 YEARS, GENERAL CONVENOR, MAHAMAGHA
MAHOTSAVA SAMITHY, SREE PANCH DASNAM JUNA AKHADA, THIRUNNAVAYA,
MALAPPURAM DISTRICT, PIN-676301

RESPONDENT(S):

1. DISTRICT COLLECTOR, MALAPPURAM DISTRICT, COLLECTORATE, UPHILL, CIVIL
STATION, MALAPPURAM, PIN-676505
2. DISTRICT POLICE CHIEF, DPO ROAD, UPHILL, MALAPPURAM, PIN-676505
3. REGIONAL FIRE OFFICER, KERALA FIRE & RESCUE SERVICES, FIRE & RESCUE
STATION, MUNDUPARAMBA, MALAPPURAM, PIN-676509
4. SECRETARY, THIRUNNAVAYA PANCHAYATH, THIRUNNAVAYA PANCHAYATH OFFICE,
VX8J+3PQ, THIRUNNAVAYA, PIN-676301
5. VILLAGE OFFICER, VILLAGE OFFICE, THIRUNNAVAYA, MALAPPURAM,
PIN-676301

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 stay the operation of Exhibit P10, till the disposal of this
Writ Petition (Civil).

This petition again coming on for orders upon perusing the petition
and the affidavit filed in support of WP(C) and this Courts order dated
19-01-2026 and upon hearing the arguments of SRI. B.G. HARINDRANATH
(SENIOR) along with M/S. AMITH KRISHNAN H., ANNA MARY MATHEW, MANAVI
MURALEEDHARAN, KAVYA K.P., Advocates for the petitioners the court passed
the following:

C.JAYACHANDRAN, J.

W.P.(C)No.2173 of 2026

Dated, this the 20th January, 2026

O R D E R

Having heard the learned Senior Counsel on behalf of the petitioner and the learned Senior Government Pleader on behalf of respondents, this Court notice that the stop memo dated 08.01.2026, has been followed by Ext.P9 Order of the District Collector, as also, another Order dated 17.01.2026 of the Additional District Magistrate, Malappuram. In Ext.P10 stop memo dated 08.01.2026, the allegation is that the Mahamagha Mahotsava Samithy has encroached into the Puramboke land (Bharathapuzha) and had constructed a bridge therein, without necessary permission. Further allegation in Ext.P10 is that, riverbanks have been levelled by using J.C.B. in violation of the Kerala Protection of River Banks and Regulation of Removal of Sand Act, 2001. However, in Ext.P9 one among the conditions is as follows:

" പരിപാടി നടത്തുവാൻ പുഴയ്ക്കു കുറുകെ നിർമിച്ച താൽക്കാലിക പാലം ഉപയോഗിക്കുന്ന പക്ഷം പാലത്തിന്റെ സുരക്ഷ സംബന്ധിച്ച് അംഗീകൃത

W.P.(C)No.2173 of 2026

..2..

ഗവണ്മെന്റ് ഏജൻസി സാക്ഷ്യപ്പെടുത്തിയ സർട്ടിഫിക്കറ്റ്
ലഭ്യമാകേണ്ടതാണ്.”

2. It could thus be seen that, the teeth of Ext.P10 is substantially lost and that the District Collector has reconciled to the requirement of production of a safety security from an approved Government agency in Ext.P9. Ext.P9 does not also contain any interdiction in going ahead with the Mahamagha Maholsava. Similarly, the Order dated 17.01.2026 appoints Executive Magistrates, and as many as nine officers have been so appointed, none of whom have issued any orders prohibiting the conduct of the Mahamagha Mahotsava.

3. However, the learned Senior Government Pleader would submit that the respondents have not taken a very strict stand interdicting the conduct of the Mahamagha Mahotsava only taking into account the sensitive communal interests, which may arise, if such a drastic action has been taken. Learned Senior Government Pleader would, however, espouse

W.P.(C)No.2173 of 2026

..3..

her concern, especially with respect to the safety of the bridge, especially when about ten lakh persons are attending the Mahotsavam, including thirty thousand saints. According to the learned Government Pleader, the bridge constructed is not strong enough to bear the load on account of the commutation contemplated in connection with the Mahamagha Mahotsava.

4. Learned Senior Counsel for the petitioner also would not stand in the way of making an assessment of the security concern by the competent authority. According to the learned Senior Counsel, a joint inspection can be conducted on the bridges erected, and necessary remedial/safety steps can be taken upon the recommendation of the Expert Body. Accordingly, learned Senior Counsel would submit that the officials of the Kerala Public Works Department (P.W.D) be directed to conduct the inspection.

5. In the circumstances, this Court directs the Executive Engineer, P.W.D, Tirur, to conduct an inspection on the

W.P.(C)No.2173 of 2026

..4..

premises where the Mahamagha Mahotsava is going on, and specifically to inspect the bridges and suggest such measures as required for strengthening the bridges, so as to enable commutation at large scale in connection with the Mahotsava. Let the inspection be conducted tomorrow (21.01.2026) itself, and the representative of the petitioner will also be present at the time of inspection. The Superintendent of Police concerned shall also be present at the time when inspection is going on. The Executive Engineer, coupled with the Superintendent of Police, can make necessary steps, which are required to be taken for strengthening the bridge, so as to avoid any possible danger. Let such steps be made tomorrow itself, and the petitioner will stand directed to comply with the same within a period of two days therefrom, having regard to the fact that the Mahamagha Mahotsava is to culminate on 03.02.2026. In the matter of execution of the remedial steps suggested by the above two officials, if the junction of any of the Governmental agencies is required, the 1st

W.P.(C)No.2173 of 2026

..5..

respondent/ District Collector will ensure the same. This Court chose to give this direction, taking into account the safety of the huge number of believers, who are expected to participate in the Mahamagha Mahotsava.

6. The learned Government Pleader would insist that the conditions which are stipulated in Ext.P9, with respect to waste management, green protocol, environmental concerns etc. has to be complied with by the petitioner. Learned counsel for the petitioner would submit that the same will be complied with. It was specifically pointed out by the learned Senior Counsel for the petitioner that necessary medical facility has already been arranged. Needless to say that, the directions in Ext.P9 will also be complied with.

Let the matter be posted on 27.01.2026, for further evaluation, if any, required.

Sd/-

C. JAYACHANDRAN
JUDGE

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APPENDIX OF WP(C) 2173/2026

Exhibit P1	THE LETTER SENT BY THE PETITIONER DATED 14.11.2025 BEFORE THE 1ST RESPONDENT
Exhibit P2	TRUE COPY OF LETTER DATED 22.12.2025 BEFORE THE MINISTER OF DEVASWOM
Exhibit P3(a)	TRUE COPY OF THE LETTER DATED 03.12.2025 SENT BY SUB COLLECTOR, TIRUR.
Exhibit P3(b)	TRUE COPY OF THE POSTAL COVER
Exhibit P4	TRUE COPY OF THE MINUTES OF THE MEETING HELD ON 05.12.2025 DATED 11.12.2025
Exhibit P5	TRUE COPY OF THE LETTER DATED 05.01.2026 SENT BY THE PETITIONER BEFORE THE DISTRICT COLLECTOR, MALAPPURAM
Exhibit P6	TRUE COPY OF THE LETTER WRITTEN TO DISTRICT POLICE SUPERINTENDENT DATED 05.01.2026
Exhibit P7	TRUE COPY OF THE LETTER WRITTEN TO HEAD OF THE DEPARTMENT, WATER AUTHORITY, TIRUR DATED 05.01.2026
Exhibit P8	TRUE COPY OF THE LETTER DATED 05.01.2026 BEFORE THE KERALA FIRE FORCE, TIRUR.
Exhibit P9	LETTER WRITTEN BY THE DISTRICT COLLECTOR DATED 15.01.2026
Exhibit P10	TRUE COPY OF THE STOP MEMO DATED 08.01.2026 ISSUED BY THE VILLAGE OFFICER, THIRUNAVAYA.
Exhibit P11(a)	THE PROGRAMMES FOR THE MAHAMAGHA MOHOTSAV FOR THE PREVIOUS YEARS NAMELY 2024.
Exhibit P11(b)	THE PROGRAMMES FOR THE MAHAMAGHA MOHOTSAV FOR THE PREVIOUS YEARS NAMELY 2025.
Exhibit P12	THE PROGRAMMES FOR THE MAHAMAGHA MOHOTSAV FOR THE PREVIOUS YEARS NAMELY 2026.