

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
&
THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

Tuesday, the 17th day of August 2021 / 26th Sravana, 1943
WP(C) NO. 16955 OF 2021

PETITIONER:

[REDACTED] (MINOR), AGED 9 YEARS,

**REPRESENTED BY HER FATHER AND NEXT FRIEND SHANKAR
M., S/O. N. K. MANI, AGED 39 YEARS.**

RESPONDENTS:

- 1. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, HOME DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. STATE POLICE CHIEF AND THE DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS, VAZHUTHACAUD, THIRUVANANTHAPURAM - 695010.**
- 3. TRAVANCORE DEVASWOM BOARD, NANDANCODE, KAWDIAR P.O., THIRUVANANTHAPURAM - 695003, REPRESENTED BY ITS SECRETARY.**

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 the respondents 1 to 3 to ensure that the petitioner is able to make the Sabarimala darshan along with her parent on the 23-8-2021 or on any other date on which the petitioner's parents have obtained permission to make the darshan.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.NIRMAL V NAIR & A.HAROON RASHEED, Advocates for the petitioner and of SRI.K.P.HARISH KUMAR, SENIOR GOVERNMENT PLEADER for R1 & R2, and of SRI.G.BIJU, STANDING COUNSEL for R3 the court passed the following:

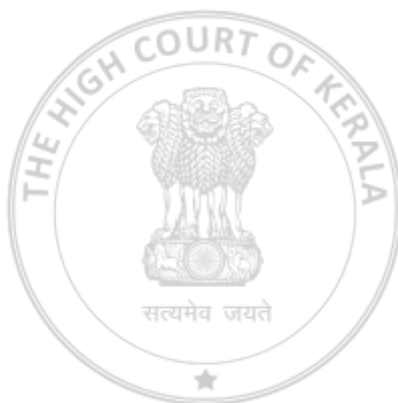
APPENDIX OF WP(C) 16955/2021

Exhibit P4

A TRUE COPY OF THE JUDGMENT DATED 16.04.2021 IN WP(C) NO.9769 OF 2021 ON THE FILES OF THIS HONOURABLE COURT.

Exhibit P6

A TRUE COPY OF THE G.O.(RT) NO.564/2021/DMD DATED 04.08.2021 ISSUED BY THE DISASTER MANAGEMENT DEPARTMENT.



SHAJI P.CHALY & A. BADHARUDEEN, JJ.

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Dated this the 17th day of August, 2021ORDERSHAJI P. CHALY, J.

This writ petition is filed by a minor seeking direction to respondents 1 to 3 namely, State of Kerala, State Police Chief and the Travancore Devaswom Board, to ensure that the petitioner is able to make Sabarimala Darshan along with her father on the day on which the petitioner's father has secured booking for Darshan.

2. Case of the petitioner is that, her father is proceeding to Sabarimala on 23.08.2021, by virtue of an online booking. Learned Counsel has invited our attention to Ext.P6 Government Order dated 04.08.2021, in regard to the Disaster Management Department - Covid-19 containment activities - relaxation and restrictions from 05.08.2021. Learned Counsel has further invited our attention to paragraph Nos. 4 and 10 of the Annexure accompanying the Government Order and they read thus:-

“iv. Only persons who have taken at least one dose of COVID-19 vaccine before two weeks, or who are in possession of RT-PCR negative certificate taken 72 hours before or who is in possession of COVID-19 positive results more than a month old will be allowed inside (workers/visitors) in shops, markets, banks, public and private offices, financial institutions,

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factories, industrial establishments, open tourist spaces and other establishments.

x. Children who have not been vaccinated can accompany adults in point (iv).”

3. So also, our attention was invited to Ext.P4 judgment rendered by a Division Bench of this Court in W.P.(C).No.9769 of 2021 dated 16.04.2021, whereby, under similar circumstances, a girl child was permitted to accompany her father for Sabarimala Darshan.

4. We have heard learned Counsel for the petitioner Sri. Nirmal V. Nair, learned Senior Government Pleader Sri. K.P.Harish Kumar and learned Standing Counsel for the Devaswom Board Sri. G.Biju, and perused the pleadings and materials on record. Learned Government Pleader and the learned Standing Counsel for the Devaswom Board stoutly opposed the reliefs sought for in the writ petition.

5. However, on an analysis of the judgment rendered by this Court and the Government Order referred to above, and the paragraphs extracted, we are of the considered opinion that an interim order can be passed permitting the petitioner to accompany her father for Sabarimala Darshan

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on 23.08.2021. Therefore, we permit the petitioner to accompany her father Sri. Shankar M., residing at House No.72, Mythri Nagar, Pattathanam P.O., Kollam - 691021, on 23.08.2021, and the respondents are directed to make necessary arrangements for compliance of the order.

Post immediately after vacation.

Sd/-

SHAJI P. CHALY
JUDGE



Sd/-

A. BADHARUDEEN
JUDGE

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17.08.2021