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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD)No.12070 of 2015

K.Kumaresan

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2. The Inspector of Police,
Puliyankudi Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission to conduct the Kabadi Competition in District Level scheduled on 01.08.2015 and 02.08.2015 (day and night) at "Tamil Nadu State Congress (Mooppanar Party)" and "Surya Sports Club" at Velayutham Street, Puliyankudi, Tirunelveli District by considering the petitioner's representation dated 06.07.2015.

For Petitioner : M/s.A.B.Prabhakar

For Respondents : Mr.M.Murugan

Government Advocate

ORDER

Mr.M.Murugan, learned Government Advocate takes notice on behalf of the respondents. By consent, the writ petition is taken up for disposal at the stage of admission.

2. This writ petition has been filed under Article 226 of Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents to grant permission to conduct the Kabadi Competition in District Level scheduled on 01.08.2015 and 02.08.2015 (day and night) at "Tamil Nadu State Congress (Mooppanar Party)" and "Surya Sports Club" at Velayutham Street, Puliyankudi, Tirunelveli District by considering the petitioner's representation dated 06.07.2015.

3. Heard the learned counsel for the parties and perused the materials available on record.



4. Learned counsel for the petitioner would submit that the petitioner is the State General Committee Member of "Tamil Nadu State Congress (Mooppanar Party)" and "Surya Sports Club" at Velayutham Street, Puliyankudi, Tirunelveli District and is organizing only a sports event and the second respondent should not have denied permission for conducting Kabadi Game event. The learned counsel undertakes that the petitioner would not give any political colour to the Kabadi Game, scheduled to be held on 01.08.2015 and 02.08.2015 between 10.00A.M and 06.00P.M and the petitioner is prepared to abide by any conditions to be imposed by the respondents, if the respondents grant permission for conducting Kabadi Game. The undertaking given by the learned counsel for the petitioner is recorded.

5. Learned Government Advocate appearing for the respondents, on instructions from the respondents that the only objection is that under Section 32 of the Police Act for granting permission to the petitioner to conduct Kabadi match and therefore, permission may be granted with certain conditions.

6. The only objection raised by the learned Government Advocate is that under Section 32 of the Police Act. It is not a ground for rejecting the Kabadi Tournament. There is no material to hold that the law and order problem will arise, even under Section 32 of the Police Act. There is no absolute bar.

7. Taking note of the fact that the petitioner is going to organise only Kabadi Game, keeping it open to everyone from his village and outside the village, beyond religion, caste, community and religion, this Court finds no impediment to grant permission to conduct "Kabadi Game" event, on 01.08.2015 and 02.08.2015 between **10.00A.M and 06.00P.M** at "Tamil Nadu State Congress (Mooppanar Party)" and "Surya Sports Club" at Velayutham Street, Puliyankudi, Tirunelveli District and the second respondent is directed to give permission to the petitioner to conduct "Kabadi Game" event, subject to the following conditions:-

i) The petitioner shall ensure that the Kabadi Game should not spill over beyond the stipulated time;

ii) The petitioner and other participants should not raise any slogan about the party or party leader;

iii) The petitioner shall ensure that there will not be any untoward incident, causing disturbance to the public peace and tranquility;

iv) The petitioner shall also ensure for proper first-aid arrangements, by keeping one or two doctors at the venue.

v) The participants of Kabadi Game shall not wear any dress showing the slogan or picture of any communal/political leader; and

vi) The petitioner shall ensure that there should not be any flux board or hoardings at the venue.

8. If any of the above said conditions are violated, it is open to the respondents to take appropriate action, in accordance with law.



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9. With the above directions, this writ petition is ordered as above. No costs.

Sd/-
Assistant Registrar(AS)

\\True copy\\

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Inspector of Police,
Puliyankudi Police Station,
Tirunelveli District.

+1cc to Mr.A.B.Prabhakar, Advocate Sr.No.38715
+1cc to The Special Government Pleader SR.No.39469

akm/24.07.15 /2p-5c/

W.P(MD)No.12070 of 2015
15.07.2015