



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE M.M.SUNDRESH

Writ Petition(MD)No.12717 of 2015

K.Muniyandisamy

... Petitioner

Vs

The Inspector of Police,
Thirupasethi Police Station,
Thirupasethi,
Sivagangai District.

... Respondent

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 16.07.2015 and to give permission to conduct Kabadi match on 25.07.2015 in view of the Temple Festival, Avarnagadu and pass such further or other orders.

For Petitioner : Mr.P.Sesubalan Raja

For Respondent : Mr.M.Murugan
Government Advocate

ORDER

This Writ Petition has been filed seeking for the issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 16.07.2015 and to give permission to conduct Kabadi match on 25.07.2015 in view of the Temple Festival, Avarnagadu.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3. Seeking permission to conduct Kabadi tournament, the petitioner has approached the respondent.

4. When the matter is taken up for hearing, an order has been produced dated 22.07.2015 stating that request has been rejected on the ground of Section 30(2) of the Police Act being enforced and that there is a likelihood of law and order problem and traffic.

5. The learned counsel for the petitioner submitted that programme is being conducted every year in the same place. It is the further submission made by the learned counsel for the petitioner that only five buses are plying everyday from Sivagangai for the entire day. Therefore, permission can be granted.

6. Based upon the instruction received from the Inspector of Police, Thirupasethi Police Station, the learned Government Advocate submitted that there is a likelihood of law and problem and the area is communally sensitive.



7. What the petitioner seeks is only a permission to conduct a Kabadi tournament and that too, on a single day ie., 25.07.2015. Mere likelihood of law and order problem cannot be a ground to reject it. It is not as if the petitioner is doing any illegal activity. Section 30(2) of the Police Act is not a complete bar to give permission and accordingly, this Court is inclined to allow the Writ Petition by imposing the following conditions:-

(i) The petitioner should ensure that sufficient medical facilities are available at the venue;

(ii) There should not be any kind of play of communal songs praising any communal leaders;

(iii) There should not be any kind of flex boards or hoardings during the said competition;

(iv) It is open to the third respondent to impose other reasonable restrictions for the conduct of Kabadi competition in public interest and to ensure peace;

(v) The said Kabadi competition should be restricted between 08.00 a.m and 5.00 a.m., on 25.07.2015.

(vi) The respondent is directed to issue necessary permission, incorporating the above conditions.

8. Apart from the above said conditions, it is further made clear that the petitioner should not wear any garment bearing the name, symbol and flag of any political party.

9. The Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
The Inspector of Police, Thirupasethi Police Station,
Thirupasethi, Sivagangai District.
+lcc to M/S.P.Sesubalan Raja, Advocate in SR.No 40486

TS/23.07.2015/2P - 3C

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