



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P(MD)No.12769 of 2015

WEB COPY

SIVASUBRAMANIAN

... PETITIONER

Vs.

- 1 THE SUPERINTENDENT OF POLICE,
TIRUNELVELI DISTRICT,
TIRUNELVELI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
ALANGULAM TALUK,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
PAVOORCHATHIRAM POLICE STATION,
TIRUNELVELI DISTRICT.

...RESPONDENTS

Prayer: Petition filed under Article 236 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order nil, dated 08.07.2015 passed by the 3rd respondent on the representation given by the petitioner, dated 08.07.2015 and quash the same and consequently direct the respondents to give permission to the petitioner to conduct Kabadi Tournament on 25.07.2015 and 26.7.2015 at 9.00pm to 09.00 am in Kurumbalaperi Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.M.Saravanan
For Respondents : Mr.M.Murugan
Government Advocate

ORDER

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

2. This writ petition has been filed seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order nil, dated 08.07.2015 passed by the 3rd respondent on the representation given by the petitioner, dated 08.07.2015 and quash the same and consequently direct the respondents to give permission to the petitioner to conduct Kabadi Tournament on 25.07.2015 and 26.7.2015 at 9.00pm to 09.00 am in Kurumbalaperi Village, Tenkasi Taluk, Tirunelveli District.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. Learned counsel for the petitioner would submit that the petitioner is the resident of Kurumbalaperi Village, Tenkasi Taluk, Tirunelveli District and he is the member of Kamarajar Memorial Sports Club, is regularly conducting Kabadi competition by allowing competent Kabadi players all over the State.



5. In this connection, a representation was given on 08.07.2015 to the third respondent police, with a request to grant permission to conduct Kabadi Tournament. The respondent has passed impugned order rejecting the petitioner's request and hence, the petitioner is before this Court with this writ petition. The learned counsel for the petitioner further submitted that as the Kabadi tournament is conducted in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

6. The only objection raised is that permission if granted likely would lead to law and order problem. It is for the respondent to impose any condition to maintain law and order problem. It is not as if there was any prior untoward occurrence in the conduct of the programme.

6. Accordingly, the impugned order is set aside and this court is of the view that the third respondent has to take adequate steps to control law and order problem 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 second 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 from 25.07.2015 at 09.00 p.m to 26.07.2015 at 09.00 a.m.
- (vi) The third respondent is directed to issue necessary permission, incorporating the above conditions.

7. 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.

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

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

- 1 THE SUPERINTENDENT OF POLICE, TIRUNELVELI DISTRICT, TIRUNELVELI.
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE,
ALANGULAM TALUK, TIRUNELVELI DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE,
PAVOORCHATHIRAM POLICE STATION, TIRUNELVELI DISTRICT.
- +1cc to Mr.R.J.Karthick, Advocate SR.No.40632
+1cc to Special Govt.Pleader SR.No.41130