



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2015

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

W.P(MD)No.16516 of 2015

J.David

: Petitioner

Vs.

The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

: Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in his proceedings Nil dated and quash the same as illegal and consequently directing the respondent to grant permission and afford protection for conducting the Kabbadi Tournament scheduled between 19.09.2015 at 10.00 p.m to 20.09.2015 at 10.00 a.m and for usage of mike set during the above Kabadi Tournament at Santhanakumarapatti, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner

: Mr.S.S.Thesigan

For Respondent

: Mr.N.MANOCHARAN,

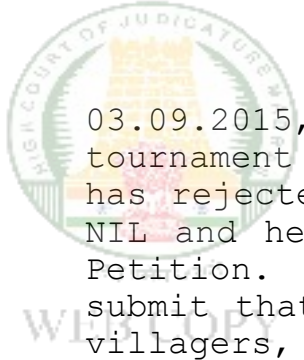
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in his proceedings Nil dated and quash the same as illegal and consequently directing the respondent to grant permission and afford protection for conducting the Kabbadi Tournament scheduled between 19.09.2015 at 10.00 p.m to 20.09.2015 at 10.00 a.m and for usage of mike set during the above Kabadi Tournament at Santhanakumarapatti, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District.

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

3.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi tournament from 19.09.2015 at 10.00 p.m to 20.09.2015 at 10.00 a.m.- In this connection, a representation was given to the respondent on



03.09.2015, with a request to grant permission to conduct the tournament on the above said dates, however, the respondent Police has rejected the request of the petitioner, by impugned order dated NIL and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner would further submit that as the Kabadi is conducted in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

4. The learned Additional Government Pleader appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such tournament.

5. Having considered the facts and circumstances of the case, the reason assigned for rejecting the permission is un-sustainable and hence, the impugned order dated Nil is set aside.

5. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct Kabadi tournament on the above said dates.

6. Accordingly, the Writ Petition is disposed of with the following directions:

(i) The Kabadi tournament is permitted to conduct Santhanakumarapatti, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District to be held from 19.09.2015 at 10.00 p.m., to 20.09.2015 at 10.00 a.m.

ii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

iii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquility.

iv) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

v) The participants of Kabadi tournament shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance.

vi) Songs praising communal leader or having communal overtones should not be played.

vii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed.



(viii) No flex boards in support of any political party or religious leader be erected.

(ix) If there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

(x) Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time.

(xi) The participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;

(xii) If there is any untoward incident took place, the village people and the organizers of the tournament be made responsible for the same;

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

(xiv) The Referee must be authorized person from the District Association.

No costs.

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

gsr

To

The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

+1cc to Mr.S.S.Thesigan, Advocate Sr NO.53823

+1cc to Special Government Pleader SR No.53935

Order made in
W.P (MD) No.16516 of 2015
11.09.2015

RG.15.09.2015/GSV/PM/SAR-I 3P/4C.