



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2015

CORAM:

THE HONOURABLE Ms.JUSTICE R.MALA

W.P. (MD) No.17238 of 2015

WEB COPY

Sivakumar

... Petitioner

Vs.

The Sub Inspector of Police,
Keelapavur 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 respondent's impugned order dated 17.09.2015 quash the same and consequently, directing the respondent to permit the petitioner to conduct the Kabadi Tournament on 26.09.2015 at about 6.00 p.m to 27.09.2015 at about 6.00 a.m at Keelapavur Ground, Tenkasi Taluk, Tirunelveli District and pass such other and further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondent : Mr.N.Manoharan, Spl.G.P.

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing Writ of Certiorarified Mandamus to call for the records pertaining to the respondent's impugned order dated 17.09.2015 quash the same and consequently, directing the respondent to permit the petitioner to conduct the Kabadi Tournament on 26.09.2015 at about 6.00 p.m to 27.09.2015 at about 6.00 a.m at Keelapavur Ground, Tenkasi Taluk, Tirunelveli District.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi tournament on 26.09.2015 at about 6.00 p.m to 27.09.2015 at about 6.00 a.m. In this connection, a representation was given to the respondent police, with a request to grant permission to conduct the tournament on the above said date, however, the respondent Police has passed an impugned order dated 17.09.2015 rejecting the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted 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 Special Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for performance of such tournament.



5. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, 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 impugned order dated 17.09.2015 is hereby set aside and the Writ Petition is disposed of with the following directions:

(i) The Kabadi tournament at Keelapavur Ground, Tenkasi Taluk, Tirunelveli District, be held on 26.09.2015 at about 6.00 p.m to 27.09.2015 at about 6.00 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 concerned is directed to issue necessary permission, incorporating the above conditions.

No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

The Sub Inspector of Police, Keelapavur Police Station,
Tirunelveli District.

+1cc to Mr. Chettinad Legal Solutions, Advocate in sR.56188

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