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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2015

CORAM:

THE HONOURABLE Ms.JUSTICE R.MALA

W.P. (MD) No.18389 of 2015

S.Madasamy

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Alangulam Sub Division,
Tirunelveli District.

3.The Inspector of Police,
Oothumalai Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in C.No.31/H4PS/2015, dated 18.09.2015 of the 3rd respondent, quash the same and consequently, direct the respondents to grant permission and necessary police protection to conduct Kabadi tournament by Arulmighu Ulagamman Temple Committee, which is to be held at Kadanganeri Village, Alangulam Taluk, Tirunelveli District on 31.10.2015 at 9.00 pm to 9.00 am based on the representation dated 18.09.2015.

For Petitioner : Mr.A.P.Muthu Pandian

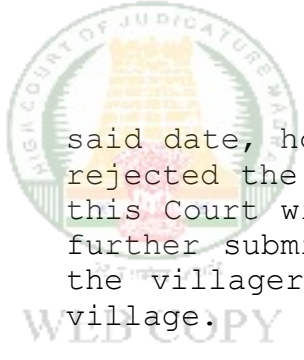
For Respondents : Mr.N.Manoharan, Spl.G.P.

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in C.No.31/H4PS/2015, dated 18.09.2015 of the 3rd respondent, quash the same and consequently, direct the respondents to grant permission and necessary police protection to conduct Kabadi tournament by Arulmighu Ulagamman Temple Committee, which is to be held at Kadanganeri Village, Alangulam Taluk, Tirunelveli District on 31.10.2015 at 9.00 pm to 9.00 am based on the representation dated 18.09.2015.

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 31.10.2015. 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 3rd respondent by the above said impugned order has rejected 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 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 unsustainable and hence, the impugned order is set aside.

6.Considering the rival submissions made on either side, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct Kabadi tournament on 31.10.2015 in connection with the above said Temple festival.

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

(i)The Kabadi tournament during the above said temple festival be held from 31.10.2015 at 6.00 pm to 01.11.2015 at 6.00 am.

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



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

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

No costs.

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Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District.

2. The Deputy Superintendent of Police,
Alangulam Sub Division, Tirunelveli District.

3. The Inspector of Police,
Oothumalai Police Station, Tirunelveli District.

+1cc to M/S.A.P.Muthupandian, Advocate in SR.No 59928

+1cc to Special Government Pleader in SR.No. 60121.

TS/14.10.2015/3P - 6C KBM/SAR -II

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