



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.2058 of 2015

R.Pothuraja

: Petitioner

Vs

The Inspector of Police,
Melur Police Station,
Madurai District

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, to direct the respondent to grant permission to the petitioner to conduct Kabadi Match on 22.02.2015, Sunday from 11.00 a.m., to 6.00 p.m., in T.Manickkampatti Village, Melur Taluk, Madurai District, by considering his representation, dated 11.02.2015.

For Petitioner : Mr.T.A.Ebenezer

For Respondent : Mr.R.Karthikeyan

Additional Government Pleader

O R D E R

Mr.R.Karthikeyan, learned Additional Government Pleader, takes notice for the respondent. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. The present Writ Petition has been filed for the issue of a Writ of Mandamus, to direct the respondent to grant permission to the petitioner to conduct Kabadi Match on 22.02.2015, Sunday from 11.00 a.m., to 6.00 p.m., in T.Manickkampatti Village, Melur Taluk, Madurai District, by considering his representation, dated 11.02.2015.

3. Seeking permission to conduct Kabadi Competition on 22.02.2015, the petitioner submitted a representation on 11.02.2015 before the respondent. However, the same has not been considered so far.

4. The learned counsel appearing for the petitioner would submit that the Kabadi being a traditional sports, a direction may be issued to the respondent to give permission to conduct Kabadi Competition. He would further submit that the petitioner will under takes that he will give one more representation to the respondent stating that the participants will be exclusively in the local village and the participants weight limit is below 45 Kgs. The learned counsel for the petitioner also undertakes that the petitioner will not claim any charges towards entry fee or participants fee and also undertakes to abide any conditions to be imposed by this Court.



5. Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents would object for granting permission and in the event of this Court granting permission, stringent conditions may be imposed for the smooth conduct of the event. He would further submit that the petitioner has to submit complete details, regarding the participants, method to be adopted, referees to be employed and also provide medical facilities for the smooth conduct of the tournament. He would further submit that as per their wish, teams are selected and prizes are distributed and therefore, the referee, who will be employed, may be from the outside area.

6. I have considered the above submissions.

8. A similar issue came up for consideration before a Division Bench of this Court in V.Ganesan Vs. Superintendent of Police, Trichy and another, reported in 2014 5 LW 359 and on a careful consideration of the submissions made on either side, the Division Bench granted permission to conduct Kabadi Tournament by imposing certain conditions.

9. Following the same, the present Writ Petition is disposed of directing the respondent to grant permission to the petitioner to conduct Kabadi Competition subject to the following conditions:-

- The Kabadi Competition is permitted to be held on 22.02.2015 between 11.00 A.M and 06.00 PM alone.
- The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.
- The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquility.
- The petitioner shall ensure proper first-aid arrangements by keeping two doctors available in the venue well in advance during the time of event.
- 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.
- Songs praising communal leaders or having communal overtones should not be played at the venue. The songs to be played in the Kabadi Tournament should be furnished well in advance to the respondent police concerned and if there is any objectionable songs, the respondent police is directed to stop such songs forthwith. Further, the respondent police is directed to ensure that the loud speakers are not played beyond the permissible level and see that there is no nuisance to the public at large.
- The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed at the venue.
- The petitioner will donate a sum of Rs.5,000/- (Rupees Five Thousand only) to T.Manickampatti Vilalge, Melur Taluk, and payment of proof shall be produced before the respondent police.
- It is a condition precedent on the part of the organizer to make sure the presence of the doctors, as stated above. Without the presence of doctors or necessary medical facilities, the respondent police shall not grant permission.
- The list of names of participants, method to be adopted, as



undertaken by the learned counsel appearing for the petitioner will be furnished atleast two days prior to the event and a written undertaking will be given to the respondent Police concerned for the smooth functioning of the tournament.

- The referees will be employed only from the outside area recognized by the District or State Kabadi Association, as suggested by the learned Additional Government Pleader.
- The petitioner has to apply for licence before the respondent police concerned for the conduct of the Kabadi Competition in question and in this regard, the petitioner / the Organizers has to approach the respondent police to submit necessary application, along with a copy of this order. If the petitioner has already made an application to this effect, the respondent police is directed to accord permission for the orderly conduct of the Kabadi Competition in question on or before 20.02.2015.
- It is made clear that if the above conditions are not followed, it is open to the authorities concerned to take necessary action, including rejecting the request.
- It is also made clear that in the event of any untoward incident, which may take place during the course of Kabadi Tournament, it is open to the police authorities to apprehend such persons, who are responsible for such incident and act in accordance with law. There shall be no order as to costs.

10. Also the petitioner is directed to file an affidavit of undertaking before the respondent stating that the participants will be exclusively in the local village and the participants weight limit is below 45 Kgs and he will not collect any amount towards entree fee or participants fee.

11. The petitioner is directed to make necessary application to the respondent along with this order copy and on receipt of the same, the respondent is directed to consider the same and pass appropriate in accordance with law on or before 20.02.2015, taking into consideration of the various conditions imposed by this Court. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

MPK

To

The Inspector of Police,
Melur Police Station, Madurai District.

+1cc to MR.T.A.EBENEZER, ADVOCATE IN SR NO.7573

ORDER MADE IN
W.P. (MD) No.2058 of 2015
18.02.2015

rg.19.02.2015 3p.3c.