



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2015

CORAM:

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.22708 of 2015

Muthamilraja

... Petitioner

-vs-

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Sub-Inspector of Police,
Pavoorchathiram 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 rejection order of the 2nd respondent dated 09.12.2015 and quash the same and consequently direct the respondent to grant permission to conduct Kabadi Torunment scheduled to be held on 26.12.2015 at 10.00 p.m., to 12.00 a.m., pursuant to 'Christmas and New Year, Pongal" at Amman Kovil Thidal, Melapattamudaiyarpuram, Tirunelveli District performed by 7 Kings Kabadi Gulu.

For Petitioner	: Mr.B.Anandan
For Respondents	: Mr.D.Muruganandham Addl. Govt. Pleader

O R D E R

Mr.D.Muruganandam, the Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

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

3.This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order of the 2nd respondent, dated 09.12.2015 and quash the same and consequently, direct the respondents to grant permission to conduct Kabadi Torunment, scheduled to be held on 26.12.2015 at 10.00 p.m., to 12.00 a.m., in view of 'Christmas, New Year and Pongal" at Amman Kovil Thidal, Melapattamudaiyarpuram, Tirunelveli District performed by 7 Kings



Kabadi Team.

4. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi tournament on 26.12.2015 at 10.00 p.m., to 12.00 a.m., at Amman Kovil Thidal, Melapattamudaiyarpuram, Tirunelveli District. In this connection, a representation was given to the respondents, with a request to grant permission to conduct the tournament on the above said dates, but, however, the respondents have not considered the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The 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.

5. The Additional 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.

6. Having considered the facts and circumstances of the case, the reason assigned for rejecting the permission is unsustainable and hence, the impugned order dated 09.12.2015, passed by the 2nd respondent is set aside.

7. Considering the facts and circumstances of the case, and also considering the 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 the above said dates.

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

(i) The Kabadi tournament is permitted to be conducted on 26.12.2015 at 10.00 p.m., to 12.00 a.m., at Amman Kovil Thidal, Melapattamudaiyarpuram, Tirunelveli District.

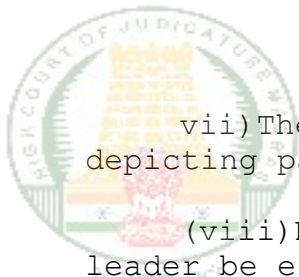
ii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

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, who is alive, 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 meeting. In the event of any suspicion of consumption of alcohol, by the respondent police, they can very well check the person by using Alcohol Breath Analyser;

(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 second respondent is directed to issue necessary permission, incorporating the above conditions.

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

(xv)The petitioner shall not use mikes with loud speakers or amplifiers as it causes disturbance to the students/children patients and old aged people. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

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

+1CC to Mr.B.Anandan, Advocate, SR.No.72813
+1CC to The Special Government Pleader SR.No. 75878.

W.P (MD) No.22708 of 2015
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