



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2016

CORAM:

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THE HONOURABLE Dr. JUSTICE P.DEVADASS

W.P. (MD) No.12238 of 2016

V.Gopalasamy

... Petitioner

Vs.

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

2.The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram, Tirunelveli District.

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in 28/SDOH/Camp/2016, dated 29.06.2016 of the 1st respondent and to quash the same, consequently, directing the respondents to grant permission and necessary police protection to conduct Kabaddi tournament by Saral Kabbadi Club which is to be held at Kamarajar Thidal, Thippanampatti, Tenkasi Taluk, Tirunelveli District on 16.07.2016 and 17.07.2016 at 11.00 p.m. to 11.00 p.m. based on the petitioner's representation dated 23.06.2016.

For Petitioner : Mr.J.Ashok

For Respondents : Mr.D.Muruganantham, AGP

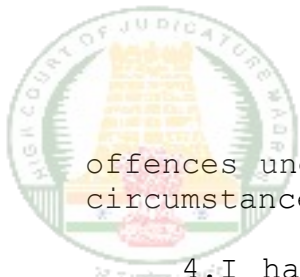
ORDER

V.Gopalasamy, a resident of Thippanampatti Post, Tenkasi Taluk, Tirunelveli District, aggrieved by the dismissal of his petition dated 24.06.2016 by the 1st respondent, refusing to accord permission to conduct Kabadi tournament in the Village on 16.07.2016 and 17.07.2016, filed this Writ petition, seeking issuance a Writ of Certiorarified Mandamus and quash the impugned order dated 29.06.2016 and pass further orders.

2.According to the learned counsel for the petitioner, Kabadi tournament is the traditional game. Many people like and love to see Kabadi tournament. It is being conducted regularly in Kamarajar Thidal, Thippanampatti, Tenkasi Taluk, Tirunelveli District. The learned counsel for the petitioner further submitted that without assigning any reason, simply the 1st respondent has dismissed the petition on 24.06.2016. This is against law.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned Additional Government Pleader appearing for the respondents submitted that as the area is prone to commission of



offences under Prohibition Act and it will create law and order. In such circumstances, the permission was refused.

4. I have considered the rival submissions and perused the impugned order and also the materials on record.

5. Granting of permission to conduct Kabadi tournament can be considered as per law. But it should not be at the cost of public tranquillity.

6. The history of Kabadi is age old. Even during our Tamil Kings period, this Kabadi has been performed. But at the same time, under the pretext of conducting Kabadi, violation of provisions of law cannot be permitted. On the one hand, traditional game must be developed. On the other hand, commission of crime should not be developed. So the Kabadi tournament can be permitted. But it must be regulated by the law enforcing authority.

7. The reason assigned for refusing the permission that the area is known for commission of prohibition offences is unsustainable. Thus, the impugned order is required to be quashed.

8. In the result, the Writ petition is allowed. The impugned order passed by the 1st respondent dated 29.06.2016 is set aside. The 1st respondent is directed to pass orders on 14.07.2016 permitting the petitioner to conduct Kabadi tournament on 16.07.2016 and 17.07.2016 also incorporating the following conditions:

i) The petitioner and other participants shall not shout / raise any slogan implicating / demoralizing any party or party leader, any caste, community or creed;

ii) The Referee must be a professionally competent person to be nominated / appointed from the District Kabadi Association;

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

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

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

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

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

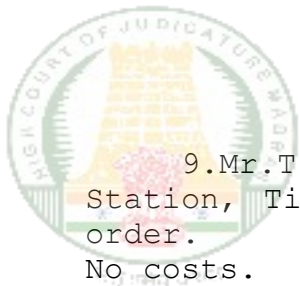
(viii) The participants of the tournament shall not intake any kind of intoxicating substance or liquor during the tournament;

(ix) In the event of any untoward incident, the organizers of the tournament will be made responsible for the same;

(x) 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.

(xi) A qualified Ortho specialist must be nominated / appointed.

(xii) The participants of the tournament shall be provided soft nutritious drinks.



9.Mr.T.Isakki, Sub-Inspector of Police (L&O), Pavoorchatram Police Station, Tirunelveli District, who is present today is also noted this order.

No costs.

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Sd/
Assistant Registrar(W)

/TRUE COPY/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram, Tirunelveli District.

+1cc to M/S.J.Ashok, Advocate in SR.No.36229

+1cc to Special Government Pleader in SR.No.36371

W.P. (MD) No.12238 of 2016
13.07.2016

nbj

PA/SK-SKN/SAR I/13.07.2016/3P/5C (IT)