



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.12796 of 2016

J.Kipson Gnaraaj

...Petitioner

-vs-

1.The Superintendent of Police
Tirunelveli District,
Tirunelveli.

2.The Deputy Superintendent of Police,
Cheranmahadevi Circle,
Cheranmahadevi
Tirunelveli District

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

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the 2nd respondent made in his proceedings in Na.Ka.No. 10/Se.Mu./Kad.Thu.Ka/2016 dated 14.07.2016 and quash the same and to direct 3rd respondent to give police permission and adequate police protection to the Lighting Kabadi Tournament scheduled on 22.07.2016 (Friday) to 23.07.2016 (Saturday) from 7.00 p.m. to 6.00 am. (one day) or any other subsequent dates as provided by the 3rd respondents office which is to be held at the Deivanagaperi Village Play Ground Karisalpatti village Tirunelveli.

For Petitioner : Mr.S.Krishnan
For Respondent : Mr.D.Muruganandham
Addl. Govt. Pleader

O R D E R

The writ petition has been filed challenging the order passed by the third respondent dated 14.07.2016 rejecting the request of the petitioner for Kabadi Tournament.

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

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.



4. The learned counsel appearing for the petitioner would submit that the Kabadi Tournament is being conducted by the villagers regularly in order to promote harmony among public; that a representation was given to the respondent, however, the same was rejected by the respondents and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the aforesaid tournament is conducted in a peaceful manner by the villagers, there will be no untoward incident on account of this tournament.

5. The learned Government Advocate appearing for the respondent, on instructions, would submit that the Deputy Superintendent of Police, Cheranmahadevi, refused permission on the apprehension that there is likelihood of law and order problem.

6. A perusal of the impugned order would go to show that the Deputy Superintendent of Police, Cheranmahadevi, refused permission on the mere apprehension of law and order problem and that the apprehension is not proved by any materials. Accordingly, the Writ Petition is allowed and the impugned order dated 14.07.2016 is set aside. The respondents are directed to accord permission to the petitioner to conduct the Kabadi tournament on 22.07.2016 and 23.07.2016 at Deivanagaperi Village Play Ground Karisalpatti village Tirunelveli, by duly 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 service groups or leaders 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. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To:

- 1.The Superintendent of Police, Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police, Cheranmahadevi Circle,
Cheranmahadevi, Tirunelveli District
- 3.The Inspector of Police, Cheranmahadevi Police Station,
Cheranmahadevi, Tirunelveli District.

+1cc to M/s.S.Krishnan, Advocate in SR.38511

+1cc to the Special Government Pleader, in SR.38423

W.P(MD)No.12796 of 2016
21.07.2016

rr.

PBK/NGM-MP/SAR-I 21/07/2016 ::3P-6C:: (IT)