



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.16266 of 2016

WEB COPY

M.John Devapichai

... Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Cheranmahadevi, Cheranmahadevi Taluk,
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, to call for the records relating to the order of rejection to grant permission passed by the 2nd respondent by his proceedings in Na.Ka.No.12/Se.Mu.B/Ka.Thu.Ka/Cherai/2016, dated 08.08.2016 and quash the same as illegal and consequently direct the 1st respondent to consider the petitioner's representation dated 22.08.2016 and grant permission and police protection for Kabadi Tournament scheduled to be held on 03.09.2016 (Saturday) from 5.00 p.m. to 04.09.2016 (Sunday) 6.00 a.m. in the play ground of Kanganakulam Village, Cheranmahadevi Taluk, Tirunelveli District.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader**O R D E R**

The writ petition has been filed praying to quash the impugned order passed by the second respondent dated 08.08.2016 with a consequential direction to the second respondent to grant permission and protection to the petitioner to conduct Kabaddi Tournament at Kanganakulam Village, Cheranmahadevi Taluk, Tirunelveli District from 03.09.2016 to 04.09.2016.

2. Mr.D.Muruganandam, 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 respondents.

4. The learned counsel appearing for the petitioner would submit that the tournament is being conducted by the villagers every year in August month in order to promote harmony among the villagers. He would further submit that the earlier representation given to the second respondent was rejected vide impugned order dated 08.08.2016.

5. The learned Additional Government Pleader appearing for the respondents on instructions would submit that there is a chance of wearing any caste related cloths by the participants or organizers, which would lead to caste related problems and also law and order problems, and therefore, the permission for conducting the tournament was rejected.

6. At this juncture, the learned counsel for the petitioner on instructions gave an undertaking that no participants or organizers will wear any form of dress displaying or portraying / offending slogans or picture of any communal/political leader which may cause disturbance. The said undertaking is recorded.

7. In view of the above, the impugned order dated 08.08.2016 passed by the 2nd respondent is hereby set aside and the second respondent is directed to accord permission to the petitioner to conduct **Kabadi tournament** in a playground at Kanganakulam Village, Cheranmahadevi Taluk, Tirunelveli District, scheduled to be held between 05.00 p.m. on 03.09.2016 and 06.00 a.m. on 04.09.2016 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 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. No costs.

Sd/

Assistant Registrar (Cr1.Side)

/TRUE COPY/

Sub Assistant Registrar

To:

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

+1cc to Special Government Pleader in SR.No.48142

+1cc to M/S.S.Krishnan, Advocate in SR.No.48750

W.P (MD) No.16266 of 2016

30.08.2016

gcg

PA/GSV-PM/SAR I/31.08.2016/3P/6C