



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2016

CORAM

THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P(MD)No.18085 of 2016

WEB COPY

A.Murugesan

... Petitioner

vs.

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

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent in his proceedings "Nil" dated 14.09.2016 and quash the same as illegal and consequently directing the respondent to grant permission to the petitioner to conduct 'Kabadi' Tournament from 24.09.2016 and 25.09.2016 between 10.00 p.m. to 10.00 a.m at M.S.P.V.Nadarajan & Sri Renganathan Playground, Sivanadanoor Village, Keelapavoor Taluk, Tirunelveli District.

For Petitioner : Mr.P.Mani Anandh

For Respondent : Mr.K.P.Krishna Doss

Government Advocate

ORDER

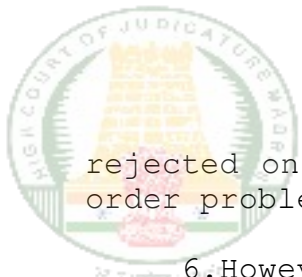
The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the respondent dated 14.09.2016 and for consequential direction to the respondent to grant permission to the petitioner to conduct 'Kabadi' Tournament from 24.09.2016 and 25.09.2016 between 10.00 p.m. to 10.00 a.m at M.S.P.V.Nadarajan & Sri Renganathan Playground, Sivanadanoor Village, Keelapavoor Taluk, Tirunelveli District.

2.Mr.K.P.Krishna Doss, learned Government Advocate, takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal.

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

4. The case of the petitioner is that every year Kabadi Tournament is being conducted by the villagers regularly in order to promote harmony among public; that a representation was given to the second respondent, but, however, the same was rejected without giving an opportunity to explain the fact 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 would submit that the permission sought for by the petitioner has been



rejected on the ground that there is likelihood of communal and law and order problem.

6. However, the rejection order dated 14.09.2016 did not disclose any specific reason. The order is very general in stating that there is likelihood of law and order problem.

7. It is not in dispute that the impugned order has been passed without providing opportunity to the petitioner and on that ground, the impugned order is set aside. The respondent shall consider the application of the petitioner dated 14.09.2016 afresh and pass orders within a period of one week from the date on which the order copy is made ready. Accordingly, this Writ Petition is allowed.

8. It is for the respondent police to give permission to the petitioner to conduct 'Kabadi' Tournament by considering the representation of the petitioner. In the event of granting permission, they shall incorporate 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. No costs.

Sd/

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

The Inspector of Police,
Pavoorchatram Police Station, Tirunelveli District.
+1cc to M/S.P. Mani Anandh, Advocate in SR.No.54104
+1cc to Special Government Pleader in SR.No.54498