



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P(MD) No.18424 of 2016

I.Dharmar

... Petitioner

-vs-

1.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.

2.The Sub-Inspector of Police,
Mamsapuram Police station,
Virudhunagar 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 order of rejection to grant permission passed by the second respondent by his proceedings in Memorandum dated 28.08.2016 and to quash the same as illegal and consequentially direct the first respondent to consider petitioner's representation dated 28.08.2016 and grant permission and police protection for the kabadi Tournament scheduled to be held on 01.10.2016 (Saturday) and 02.10.2016 (Sunday) in the play ground of Nadar School, Sivandhipatti, Virudhunagar District during Sri Pathirakaliamman Temple Chithirai Festival.

For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.K.P.Krishna Doss
Government Advocate

O R D E R

The writ petition has been filed to quash the impugned order passed by the second respondent dated 28.08.2016 with the consequential direction to first respondent to consider petitioner's representation, dated 28.08.2016 and grant permission and police protection for the kabadi Tournament scheduled to be held on 01.10.2016 (Saturday) and 02.10.2016 (Sunday) in the play ground of Nadar School, Sivandhipatti, Virudhunagar District during Sri Pathirakaliamman Temple Chithirai Festival.

2. Mr.K.P.Krishna Doss, learned Government Advocate, takes
<https://hcmvscs.courts.gov.in/hcmvscs/> 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 Government Advocate appearing for the respondents.

4. The learned counsel appearing for the petitioner would submit that the kabadi tournament is being conducted regularly in order to promote harmony during the above said festival period. He would further submit that the representation given to the respondent was rejected vide the impugned order dated 28.08.2016.

5. Today, the learned Government Advocate appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions so as to prevent disturbance to the public tranquility and also to avoid any untoward incident during performance of such programme.

6. At this juncture, the learned counsel for the petitioner would submit that the petitioner will advise the participants not to cause any hindrance to the law and order so as to avoid untoward incident. The said submission is recorded.

7. Accordingly, in view of the submission made by the learned Additional Government Pleader and undertaking given by the learned counsel for the petitioner, the writ petition is allowed and the impugned order is hereby quashed. The respondent police is directed to accord permission to the petitioner to conduct Kabadi Tournament on 01.10.2016 and 02.10.2016 between 07:00am and 06:00pm at Nadar School, Sivandhipatti, Virudhunagar District during Sri Pathirakaliamman Temple Chithirai Festival, 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 banner displaying offending 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(Cs-II)

/True Copy/

Sub Assistant Registrar.

To

1.The Deputy Superintendent of Police,
Srivilliputhur,
Virudhunagar District.

2.The Sub-Inspector of Police,
Mamsapuram Police station,
Virudhunagar District.

+1CC to M/S. M.Karunanithi, Advocate, SR.No. 56180

+1CC to the Special Government Pleader, SR.No. 55866

W.P (MD) No.18424 of 2016

26.09.2016

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