



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.11.2016

CORAM

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THE HON'BLE MR. JUSTICE K.KALYANASUNDARAM

W.P (MD) No.20995 of 2016

Hariharasudan

... Petitioner

vs.

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

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

... Respondents

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 first respondent dated 24.10.2016 in Na.Ka.No.49/Se.Mu/Ka.Thu.Ka/2016 and quash the same and consequently direct the respondents to grant permission to conduct the Kabadi Tournament by the petitioner Club at Ponnagara playgrounds at Pottal, Ambasamuthiram Taluk, Tirunelveli from 06.00 p.m. on 05.11.2016 till 06.00 a.m., on 06.11.2016 on the basis of the petitioner's representation dated 18.10.2016.

For Petitioner : Mr.A.David Oliver

For Respondents : 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 first respondent dated 24.10.2016 and for consequential direction to the respondents to grant permission to the petitioner to conduct 'Kabadi' Tournament by the petitioner Club from 06.00 p.m. on 05.11.2016 till 06.00 a.m., on 06.11.2016 at Ponnagara playgrounds at Pottal, Ambasamuthiram Taluk, Tirunelveli.



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 Government Advocate appearing for the respondents.

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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 respondents 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 24.10.2016 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. Accordingly, this Writ Petition is allowed. The respondent police is directed to accord permission to the petitioner to conduct 'Kabadi' Tournament at Ponnagara playgrounds at Pottal, Ambasamuthiram Taluk, Tirunelveli, based on the petitioner's representation to the respondents, dated 18.10.2016 scheduled to be held from 06.00 p.m. on 05.11.2016 till 06.00 a.m., on 06.11.2016, 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 form of dress displaying offending slogans or picture of any communal/political leader which may cause disturbance.

<https://hcservices.ecourts.gov.in/hcservices/> 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(W)

/True Copy/

Sub Assistant Registrar

To

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

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

+1 cc to MR.A.DAVID OLIVER, Advocate SR.No.64971

+1 cc to Special Government Pleader Sr.No.65271

W.P (MD) No.20995 of 2016
02.11.2016

SMA/SS-3/SAR-CO/03.11.2016:3P/5C