



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

W.P (MD) No.24298 of 2016

M.Gokul

... Petitioner

-vs-

The Inspector of Police,
Keelavalavu Police Station,
Melur,
Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to grant permission and protection for conducting Kabadi Tournament schedule to be conducted from 24.12.2016 from 08.00 am onwards till 25.11.2016 8.00 pm day and night matches to be held at Sports Ground at Mangala Sundari Ammal Thidal, Thaniyamangalam, Melur, Madurai District, based on the petitioner's representation to the respondent, dated 14.12.2016.

For Petitioner : Mr.T.J.Charles Anthony Stephen

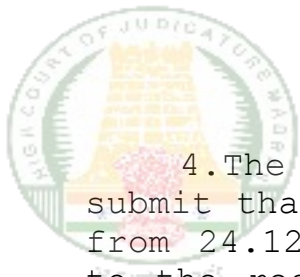
For Respondent : Mr.K.P.Krishnadoss
Government Advocate

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing to grant permission and protection for conducting Kabadi Tournament schedule to be conducted from 24.12.2016 from 08.00 am onwards till 25.11.2016 8.00 pm day and night matches to be held at Sports Ground at Mangala Sundari Ammal Thidal, Thaniyamangalam, Melur, Madurai District, based on the petitioner's representation, dated 14.12.2016.

2.Mr.K.P.Krishnadass, 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 learned counsel appearing for the petitioner would submit that the petitioner is willing to conduct Kabadi Tournament from 24.12.2016 and 25.11.2016 and he has given a representation to the respondent, dated 14.12.2016, but his application was not considered by the police and hence, the respondent may be directed to consider the petitioner's representation and grant permission to conduct the Kabadi Tournament

5.The learned Government Advocate (Criminal side) has filed a counter affidavit stating that the Kabadi teams from various villages in around and Madurai District and from the neighboring districts will be participated in the Kabadi Match and the participates are not recognized teams and there is no regulation formulated by the organizers to fix the eligible criteria for the Kabadi Teams. Hence, he prayed for the dismissal of the petition.

6.It is seen from the counter affidavit filed by the respondent, it has been specifically stated in para 10 and 11, which reads as follows:-

"10.Further I submit that the locality of the petitioner and the neighbouring villages are very sensitive villages and they are very prone to law and order issues during the festival period. As already during the Ayyanar temple festival, a communal problem arose between the Scheduled Caste people and the non Scheduled Caste people, belongs to Sathamangalam and Thaniyamangalam Village, for which a case and a counter case has been registered in Crime No.162/2013 for the offences under Section 147, 148, 294(b), 341, 323, 324, 307 IPC and in Crime number for the offence under Sections 147, 148, 294(b), 323, 324, 427, 506(ii) IPC r/w 3(1)(X) Sc.St.(PA) Act and 4 of TNPHW Act, in Crime No.194/16, a case has been registered under sections 143, 188, 353 IPC and in crime number 126/16 and 127/16 cases have been registered under section 107 IPC and in crime number 253/16, a case has been registered under section 3 of TNPPDL Act.

11.I further submit that in these circumstances, if the petitioners are allowed to conduct Kabaadi function as prayed for then once again it will create law and order problem in the locality and will disturb the public tranquillity."



7. Further on plain reading of the counter, it is seen that there was a community problem in the particular locality and if permission is granted to conduct the Kabadi Tournament, it will create serious complication and also lead to serious law and order problem. Hence, this court is of the considered view that to avoid law and problem prevailing in that area, the relief sought for by the petitioner cannot be granted.

8. In the result, this petition is dismissed. No costs.

Sd/

Assistant Registrar(C.S-II)

/TRUE COPY/

Sub Assistant Registrar

To:

The Inspector of Police, Keelavalavu Police Station,
Melur, Madurai District

+1cc to M/s.C.J.Charles Antony Stephen, Advocate, in SR No.83456.

+1cc to Special Government Pleader in SR.No.83479.

W.P(MD)No.24298 of 2016

23.12.2016

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