



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.12.2016

WEB COPY

CORAM:

THE HON'BLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD) No.25055 of 2016

P.Thirumalai Kumar

.. Petitioner

Vs.

The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

.. Respondent

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 pertaining to the impugned order passed by the respondent in his proceedings dated NIL, and quash the same as illegal and consequently directing the respondent to grant permission and afford protection for conducting the Kabadi Tournament, scheduled between 10.00 pm on 31.12.2016 up to 2.00 pm on 01.01.2017 and for usage of mike set during the said Tournament scheduled at Navaneethakrishnan Village, Alangulam Taluk, Tirunelveli District.

For Petitioner : Mr.D.Venkatesh

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

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to grant permission with necessary police protection for conducting Kabadi Tournament, scheduled between 10.00 pm on 31.12.2016 up to 2.00 pm on 01.01.2017 and for usage of mike set during the said Tournament scheduled at Navaneethakrishnan Village, Alangulam 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.

<https://hcservices.ecourts.gov.in/hcservices/>
3. Directed 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 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 NIL 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.

8. The respondent police is directed to accord permission to the petitioner to conduct Kabadi Tournament at Navaneethakrishnan Village, Alangulam Taluk, Tirunelveli District, scheduled to be held on 07.01.2017 at about 7.00 p.m. to 08.01.2017 at about 7.00 a.m. 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;

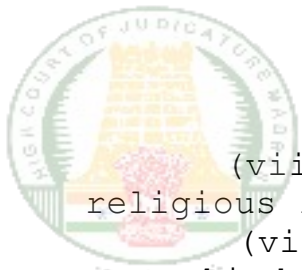
ii) The Referee must be a professionally competent person to be nominated / appointed from the District Kabadi Association;

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

/True copy/

Sub Assistant Registrar

To
The Sub-Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District.

+1cc to Special Government Pleader, SR.No.83836
+1cc to M/S D.Venkatesh, Advocate, SR.No.3

GJM/SS3/SAR-1/4-1-17/3p/4c

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