



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.33 of 2016

A.Sunder

... Petitioner

-VS-

1.The Superintendent of Police,
Tirunelveli District
at Palayamkottai.

2.The Inspector of Police,
Pavoorchatiram
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to give permission to conduct Kabadi Tournament on 16.01.2016 during the festival of Pongal between 10.00 p.m., to 10.00 a.m., in the petitioner village namely, Pethanadarparatti, Tirunelveli District.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.D.Muruganandham
Addl. Govt. Pleader

O R D E R

Mr.D.Muruganandam, the Additional Government Pleader, takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

2. Heard the learned counsel appearing for the petitioner and the Additional Government Pleader appearing for the respondents.

3.This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondents to give permission to conduct Kabadi Tournament on 16.01.2016 during the festival of Pongal between 10.00 p.m., to 10.00 a.m., in the petitioner village namely, Pethanadarparatti, Tirunelveli District.

4.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi tournament scheduled to be conducted on 16.01.2016 10.00 p.m., to 17.01.2016 10.00 a.m., for one



day night in Pethanadarpatti village, Tirunelveli District. In this connection, a representation was given to the respondents, with a request to grant permission to conduct the tournament on the above said dates, but, however, the respondents have not considered the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The counsel for the petitioner would further submit that, as the Kabadi is conducted in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

5. The Additional Government Pleader appearing for the respondents, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during tournament.

6. Having considered the facts and circumstances and the submissions made on either side, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct the Kabadi tournament on the above said dates.

7. Accordingly, the Writ Petition is disposed of with the following directions:

(i) The Kabadi tournament is permitted to be conducted on 16.01.2016 10.00 p.m., to 17.01.2016 10.00 a.m., for one day night at Pethanadarpatti village, Tirunelveli District.

ii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

iii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquility.

iv) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

v) The participants of Kabadi tournament shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance.

vi) Songs praising communal leader or having communal overtones should not be played.

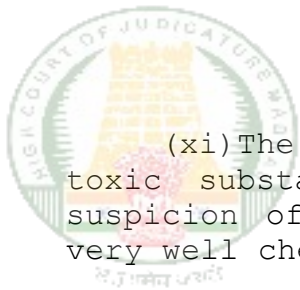
vii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader, who is alive, will be displayed.

(viii) No flex boards in support of any political party or religious leader be erected.

(ix) 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;

(x) Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time.

<https://hservices.ecourts.gov.in/hservices/>



(xi) The participants of the tournament shall not intake any kind of toxic substance or liquor during the meeting. In the event of any suspicion of consumption of alcohol, by the respondent police, they can very well check the person by using Alcohol Breath Analyser;

(xii) If there is any untoward incident took place, the village people and the organizers of the tournament be made responsible for the same;

(xiii) The second respondent is directed to issue necessary permission, incorporating the above conditions.

(xiv) The Referee must be an authorized person from the District Association.

(xv) The petitioner shall not use microphones with loud speakers or amplifiers so as to cause disturbance to the students, who are undertaking examinations, patients and old aged people during the tournament. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

1. The Superintendent of Police,
Tirunelveli District
at Palayamkottai.

2. The Inspector of Police,
Pavoorchatiram
Tirunelveli District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.S.Xavier Rajini, Advocate in SR.No. 527

TS/06.01.2016/3P-5C/PM-MP/SAR II

W.P (MD) No.33 of 2016

05.01.2016