

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 17.07.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.13123 of 2015**

J.Giftson Gnanaraj

... Petitioner

Vs.

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

2. The Assistant Superintendent of Police,
Cheranmahadevi Division,
Tirunelveli District.

3. The Inspector of Police,
Cheranmahadevi Police Station,
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 consider the representation of the Petitioner dated 4.2.2017 and to direct the respondents to permit the Petitioner to conduct the Kabadi Match which is scheduled to be held on 22.7.2017 at about 8.00 p.m., to 8.00 a.m.(I..e, 23.07.2017 8.00 a.m.) at Private Land bearing S.No.101, 3A, Deivanayakaperi, Karisalpatti Village, Cheranmahadevi, Tirunelveli District to provide adequate police protection and also permit the Petitioner enabling sufficient sound service in a minimum level during the Kabadi Match.

For Petitioner : M/s.Krishnan

For Respondents : Mr.A.K.Baskarapandian
Special.Govt.Pleader.**O R D E R**

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the respondent to consider the representation of the Petitioner, dated 4.2.2017 and to direct the respondents to permit the Petitioner to conduct Kabadi Match which is scheduled to be held on 22.07.2017 at about 8.00 p.m., to 8.00 a.m.(I..e, 23.07.2017 8.00 a.m.) at Private Land bearing S.No.101, 3A, Deivanayakaperi, Karisalpatti Village, Cheranmahadevi, Tirunelveli District to provide adequate police protection and also permit the Petitioner enabling sufficient sound service in a minimum level during the Kabadi Match.

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



3. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi tournament on 22.07.2017 at about 8.00 p.m., to 8.00 a.m. (I.e, 23.07.2017 8.00 a.m.) at a Private Land bearing S.No.101, 3A, Deivanayakaperi, Karisalpatti Village, Cheranmahadevi, Tirunelveli District. In this connection, a representation was given to the respondent-police on 04.02.2017, with a request to grant permission to conduct the tournament on the above said date, however, the respondent-Police has not considered the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that as the Kabadi Tournament is conducted in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

4. The learned Special Government Pleader appearing for the respondent, on instructions, submitted that the representation of the Petitioner was earlier rejected by specific order, dated 15.07.2017. Since the copy of the order was not served on the Petitioner, filing of a Writ Petition for mandamus cannot be found fault with. However, the learned Special Government Pleader 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 conduct of such tournament.

5. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct Kabadi tournament on the above said dates.

6. Accordingly, the Writ Petition is disposed of with a direction to the respondents to consider the representation of the Petitioner afresh and pass suitable orders with the following directions:

(i) The Kabadi tournament at a Private Land bearing S.No.101, 3A, Deivanayakaperi, Karisalpatti Village, Cheranmahadevi, Tirunelveli District scheduled to be held on 22.7.2017 at about 8.00 p.m., to 8.00 a.m. (i.e, 23.07.2017, 8.00 a.m.)

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 tranquillity.

iv) The petitioner shall ensure proper first aid service 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 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.

(xi)the participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;

(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 respondent concerned is directed to issue necessary permission, incorporating the above conditions along with any other condition that may be required by the respondent/Police to maintain the law and order problem and communal harmony in that locality.

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

No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

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

2. The Assistant Superintendent of Police,
Cheranmahadevi Division, Tirunelveli District.

3. The Inspector of Police,
Cheranmahadevi Police Station, Tirunelveli District.

+1 CC to M/s.S.KRISHNAN, Advocate, SR No. 66108.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 66152.

VSN

PSM/SKN-RSK/SAR3/20.07.2017/3P/6C