



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13931 of 2017

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R.Ashok

... Petitioner

Vs.

1.The Inspector of Police,
Oomachikulam Police Station,
Madurai District.

2.The Sub-Inspector of Police,
Oomachikulam Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent dated 20.07.2017 quash the same and consequently direct the respondent to permit the petitioner to conduct Kabadi Event on 05.08.2017 and 06.08.2017 at Thirumalpuram, Madurai.

For Petitioner	: Mr.C.Thamodharakannan
For Respondents	: Mr.A.K.Baskara Pandian Special Government Pleader

O R D E R

The petitioner has come forward with this writ petition seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the second respondent, dated 20.07.2017, quash the same and consequently, direct the respondent to grant permission and protection to conduct Kabadi Event on 05.08.2017 and 06.08.2017 at Thirumalpuram, Madurai.

2.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi Event on 05.08.2017 and 06.08.2017 at Thirumalpuram, Madurai. He would further submit that in this connection, a representation was given to the respondent on 17.07.2017, with a request to grant permission and protection to conduct the Kabadi Event on the above said date and the same was rejected by the respondent, by the impugned order, dated 20.07.2017. Hence, the petitioner is before this Court with this Writ Petition.

<https://hcservices.ecourts.gov.in/hcservices/>
3.The learned counsel for the petitioner further submitted that he is willing to change the dates of Kabadi event on 12.08.2017 and 13.08.2017, as some practical problems were



expressed by the second respondent to consider and grant permission to the petitioner to conduct Kabadi event. He further submitted that as the Kabadi event is conducted in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

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4. The learned Special Government Pleader appearing for the respondent, 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 performance of such tournament.

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

6. In such circumstances, the impugned order dated 20.07.2017, is set aside and the Writ petition is allowed with the following directions:

"The petitioner is directed to submit a fresh representation seeking permission to conduct the Kabadi event within two days from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to consider the representation and to permit the petitioner and villagers to conduct Kabadi Tournament and to give police protection to the event of Kabadi Tournament scheduled to be held on 12.08.2017 and 13.08.2017 at Thirumalpuram, Madurai, subject to the following conditions :

(i) The Kabadi event at Thirumalpuram, Madurai scheduled to be held on 12.08.2017 and 13.08.2017, between 09.00 A.M and 05.00 P.M on each day.

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 arrangements by keeping one or two doctors in the venue.

v) The participants of Kabadi event 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 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 event, 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.

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

7. It is open to the second respondent to put any further reasonable restrictions or to impose any conditions purely in the interest of preserving public order and communal harmony. There can be a total ban for putting of any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Oomachikulam Police Station,
Madurai District.

2. The Sub-Inspector of Police,
Oomachikulam Police Station,
Madurai District.

+1cc to M/S.C.Thamodharakannan, Advocate SR.No. 69991

+1cc to Special Government Pleader, SR.No. 70678

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