



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.14329 of 2017

M.Dinesh

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Sub Inspector of Police,
C-2, M.Chathirapatti Police Station,
Oomachikulam Circle,
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 rejection order of the 2nd respondent NIL dated and quash the same and consequently direct the respondent to grant permission to conduct Kabadi Tournament scheduled to be held on 19.08.2017 and 20.08.2017 pursuant "Birth day of President of Viduthalai Siruthaikal Party namely Thol.Thiruma Valavan" at Karuvanur, Madurai District.

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

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order of the 2nd respondent NIL dated and quash the same and consequently direct the respondent to grant permission to conduct 'Kabadi Tournament' scheduled to be held on 19.08.2017 and 20.08.2017 pursuant "Birth day of President of Viduthalai Siruthaikal Party namely Thol.Thiruma Valavan" at Karuvanur Village, Madurai District.

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 19.08.2017 and 20.08.2017 pursuant "Birth day of President of Viduthalai Siruthaikal Party namely Thol.Thiruma Valavan" at Karuvanur Village, Madurai District. In this connection, a representation was given to the respondent police, with a request to grant permission to conduct the tournament on the above said date, however, the respondent Police has rejected 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 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 performance 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. The impugned order does not disclose any valid reason except law and order problem. It is admitted that no untoward incident reported earlier. In the said circumstances, the impugned order is set aside and the Writ Petition is allowed accordingly. The respondents are directed to grant permission to conduct Kabadi Tournament subject to the following conditions:

(i) The Kabadi tournament pursuant "Birth day of President of Viduthalai Siruthaikal Party namely Thol.Thiruma Valavan" at Karuvanur Village, Madurai District, scheduled to be held on 19.08.2017 and 20.08.2017 shall be conducted peacefully without giving room for any communal problems.

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 or communal harmony.

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 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 takes 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.

No costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Sub Inspector of Police,
C-2, M.Chathirapatti Police Station,
Oomachikulam Circle,
Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 70655
+ 1 CC TO Mr.A.VADIVEL, ADVOCATE IN SR No. 70076

GSP/CMR

TE/SV-AA/SAR-I : 09/08/2017 : 3P/5C

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02.08.2017