

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 11.08.2017
CORAM

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THE HON'BLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.15231 of 2017**

S.Pandi

... Petitioner

-Vs-

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Inspector of Police,
Thirupachetti Police Station,
Thirupachetti,
Manamadurai Taluk,
Sivagangai District.

... Respondents

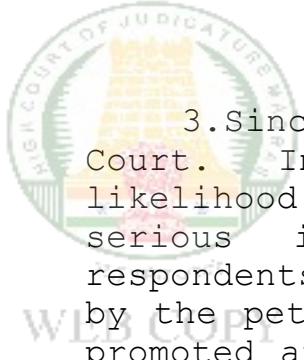
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.03/D3.PS/2017, dated 08.08.2017 and the quash the same consequently direct the respondents to grant permission and adequate police protection for conducting PREMNATH BROTHERS KABADI KUZHU tournament which is scheduled to be held on 14.08.2017 at 9.00 p.m. place of Avarangadu Kalaiyarangam, based on the petitioners representation dated 05.08.2017.

For Petitioner : Mr.S.Arivalagan.
For Respondents : Mr.A.K.Baskara Pandian,
Special Government Pleader.

O R D E R

The petitioner has come forward with this Writ Petition challenging the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.03/D3.PS/2017, dated 08.08.2017 and consequently direct the respondents to grant permission and adequate police protection for conducting PREMNATH BROTHERS KABADI KUZHU tournament which is scheduled to be held on 14.08.2017 at 9.00 p.m. place of Avarangadu Kalaiyarangam, based on the petitioners representation dated 05.08.2017.

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



3. Since permission was refused, the petitioner is before this Court. In the impugned order, except stating that there is a likelihood of law and order problem, there is no reference to any serious incident or special circumstances justifying the respondents to prohibit a sports event. The programme organised by the petitioner is only a sports event which is required to be promoted and it would also be some public interest to permit such sports event at village level not only for promotion of sports but also to divert youngsters and students to focus the attention in developing sports and to find means for villagers to spend their time usefully. By no means there can be any prohibition for such event. The respondent can always regularise such programme, keeping in mind public peace and tranquillity. In such view of the matter, the impugned order passed by the second respondent, dated 08.08.2017 is set aside and this Writ Petition is allowed with the following directions:

(i) The Kabadi tournament at Avarangadu Kalaiyarangam, Tirupachetti, Manamadurai Taluk, Sivagangai District, scheduled to be held on 14.08.2017 from 9.00 p.m. to 10.00 a.m. on 15.08.2017.

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 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 consume 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.

4. It is also open to the second respondent to put any reasonable restrictions with regard to fixing of time and with regard to put any reasonable conditions clearly in the interest of maintaining law and order and public harmony.

5. The petitioner shall pay a cost of Rs.2,000/- (Rupees Two Thousand only) to the credit of the Hon'ble Chief Justice Relief Fund, Madurai Bench of Madras High Court, Madurai, by today before 4.30 p.m, failing which, the order copy shall not be furnished today.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

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

Copy to:

The Section Officer, Account Section,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No. 15231 of 2017
11.08.2017

pmu

SDS/MMS/SAR 1/11.08.2017/3P/4C