

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

DATED: 23.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) No.15826 of 2017**

A.Kadalkani

... Petitioner

Vs.

The Inspector of Police,
Puliyankudi Police Station,
Puliyankudi,
Tirunelveli District.

... Respondent

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent herein to grant permission and adequate police protection for conducting the Kabadi Tournament at Subramaniapuram Village, Sivagiri Taluk, Tirunelveli District on 26.08.2017 from 01.00 a.m., onwards by considering the representation dated 08.08.2017 sent by the petitioner.

For Petitioner : Mr.T.Senthil Kumar
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 Mandamus, directing the respondent herein to grant permission and adequate police protection for conducting the Kabadi Tournament at Subramaniapuram Village, Sivagiri Taluk, Tirunelveli District on 26.08.2017 from 01.00 a.m., onwards by considering the representation dated 08.08.2017 sent by the petitioner.

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

3.The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi tournament on 26.08.2017 from 01.00 a.m., onwards at Subramaniapuram Village,



Sivagiri Taluk, Tirunelveli 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 representation 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 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, 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.However the permission was rejected by the respondent police, on the ground that the grant of permission to conduct the Kabadi Tournament is likelyhood to cause law and order problem. This Court is of the view that the Kabadi Tournament is a sports event that should be encouraged and that merely because there is likelyhood of law and order problem, permission cannot be rejected on the sole ground as the purpose for giving power to the respondent police under Section 30 of Tamil Nadu Police Act, is to regulate and not to prohibit. In that view of the matter the order rejecting the petitioner to conduct the Kabadi Tourtanment, dated 30.07.2017, passed by the second respondent is set aside and the second respondent is directed to consider the representation of the petitioner and give permission and adequate police protection for the conduct of Kabadi Tournament as scheduled and subject to the any reasonable restrictions or conditions that is required to maintain the law and order problem and communal harmony. The permission granted also will be subject to the following conditions:

(i)The Kabadi tournament at Subramaniapuram Village, Sivagiri Taluk, Tirunelveli District, scheduled to be held on 26.08.2017 at 01.00 a.m., onwards.

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

<https://hcservices.hcstm.gov.in/hcservices/>

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.

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

6.With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Puliyankudi Police Station,
Puliyankudi,
Tirunelveli District.

+1cc to M/S. T.SENTHIL KUMAR, Advocate, SR.No.74101.

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