



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No.16419 of 2017

R.Murugaiah

... Petitioner

-Vs-

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

2. The Deputy Superintendent of Police,
Puliyangudi,
Tirunelveli District.

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission to the petitioner for conducting Kabadi Tournament scheduled to be held on 23.09.2017 from 10.00 P.M. upto 24.09.2017 at 10.00 A.M. and give permission and police protection in connection with Aadal Paadal on 25.09.2017 at about 9.30 P.M. to 1.00 A.M. in the name of the Mathyas Sports Club in connection with "Purattasi Pongal Kovil Kodai Vizha".

For Petitioner : Mr.P.Banuprasath
For Respondents : Mr.S.Sadhish Kumar,
Additional Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus, directing the respondents to grant permission to the petitioner for conducting "Kabadi" Tournament scheduled to be held on 23.09.2017 from 10.00 P.M. up to 24.09.2017 at 10.00 A.M. and give permission and police protection in connection with "Aadal Paadal" on 25.09.2017 at about 9.30 P.M. to 1.00 A.M. in the name of the Mathyas Sports Club in connection with "Purattasi Pongal Kovil Vizha".



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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kabadi" Tournament on 23.09.2017 from 10.00 p.m., to 10.00 a.m., on 24.09.2017 and "Aadal Paadal" programme on 25.09.2017 in the name of Mathyas ? Sports Club in connection with "Purattasi Pongal Kovil Kodai Vizha", at Tharugapuram, Tharugapuram Panchayat, Sivagiri Taluk, Tirunelveli District. He further submitted that in this connection, a representation was given to the respondents on 16.08.2017, with a request to grant permission and protection to conduct the programmes on the above said date. However, the respondents have not yet considered the said representation and hence, the petitioner is before this Court with this Writ Petition.

4. The learned Additional Government Pleader appearing for the respondents submitted that this Court may grant permission for "Kabadi Tournament" and "Adal Padal" programmes subject to stringent conditions.

5. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

The third respondent/The Inspector of Police, Puliyangudi Police Station, Puliyangudi, Tirunelveli District, is directed to consider the representation of the petitioner, dated 16.08.2017 and to give permission and to provide police protection for "Kabadi" Tournament and "Aadal Paadal" programme in the name of Mathyas Sports Club in connection with "Purattasi Pongal Kovil Kodai Vizha", at Tharugapuram, Tharugapuram Panchayat, Sivagiri Taluk, Tirunelveli District, scheduled to be held on 23.09.2017, 24.09.2017 and 25.09.2017, respectively, subject to the following conditions;

*1)((i) the **"Kabadi"** Tournament in the name of Mathyas Sports Club in connection with "Purattasi Pongal Kovil Vizha", at Tharugapuram, Tharugapuram Panchayat, Sivagiri Taluk, Tirunelveli District, scheduled to be held on **23.09.2017 from 10.00 p.m., to 10.00 a.m., on 24.09.2017 shall be conducted peacefully.***

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 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.

(II) (a) the "**Aadal Paadal**" programme in the name of Mathyas Sports Club in connection with "Purattasi Pongal Kovil Vizha", at Tharugapuram, Tharugapuram Panchayat, Sivagiri Taluk, Tirunelveli District, scheduled to be held on **25.09.2017**, should be completed before **10.30 p.m.**, or as may be permitted by the third respondent police.

(b) there should not be any kind of obscene dance or vulgar dialogues during the performance, by any one of the participants;

(c) double meaning songs should not be played so as to spoil the minds of students and the youth;

(d) no dance or songs, touching upon any political party or religion, community or caste be played;

(e) No flex boards in support of any political party or religious leader be erected;



(f) the function should not affect either religious or communal harmony and shall be conducted without any discrimination based on caste;

(g) 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;

(h) similarly, the Police is empowered to stop the programme, if it exceeds beyond the permitted time;

(i) the participants of the programme shall not intake any kind of in-toxic substance or liquor during the programme; and

(j) if any untoward incident takes place, the organizers of the programme be made responsible for the same.

6. It is open to the third respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity so as to maintain law and order and communal harmony. There can be a total ban for putting up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
2. The Deputy Superintendent of Police,
Puliyangudi, Tirunelveli District.
3. The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi, Tirunelveli District.

+1 cc to Mr.P.Banuprasath , Advocate in SR.No. 75740

+1 cc to The Special Government Pleader in SR.No.76100

pmu

AE/KP/SAR1/08.09.2017/4P/6C

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

W.P. (MD) No.16419 of 2017
31.08.2017