

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 01.09.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****WEB COPY****W.P. (MD) No.16479 of 2017**

A.Ponraj

... Petitioner

Vs.

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

2. The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram,
Tenkasi Taluk,
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 1 and 2 to take appropriate steps on the petitioner's representations, dated 13.08.2017 and 22.08.2017 to grant permission to conduct "Kabadi" competition scheduled on 16.09.2017 and 17.09.2017 during "Arulmighu Kulathur Ayyan Temple Festival" at Ariyappapuram, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.H.Elango

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

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate steps on the petitioner's representations, dated 13.08.2017 and 22.08.2017 to grant permission to conduct "Kabadi" competition scheduled to be held on 16.09.2017 and 17.09.2017 in connection with "Arulmighu Kulathur Ayyan Temple Festival", at Ariyappapuram, Tenkasi Taluk, Tirunelveli District.

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 16.09.2017 and 17.09.2017 in connection with a temple festival in "Arulmighu Kulathur Ayyan Temple", at Ariyappapuram, Tenkasi 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 dates, however, the respondent police has not considered 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 Additional Government Pleader appearing for the respondents, on instructions, submitted 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 Additional Public Prosecutor 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.

6. Accordingly, the Writ Petition is disposed of with the following directions:

(i)The "**Kabadi**" tournament in connection with a temple festival in "Arulmigu Kulathur Ayyan Temple", at Ariyappapuram, Tenkasi Taluk, Tirunelveli District, scheduled to be held on **16.09.2017 from 2.00 p.m., to 2.00 p.m., on 17.09.2017**, should 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.

7. It is open to the 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

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Pavoorchatram Police Station,
Pavoorchatram, Tenkasi Taluk,
Tirunelveli District.

+1cc to The Spl. Government Pleader Sr.No.76628

+1cc to Mr.H.Elango, Advocate Sr.No.76336

PMU

VB/MR/KKR/SAR3/11/09/2017/3P/5C