



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) No.16951 of 2017

P.Dinesh

... Petitioner

Vs.

The Inspector of Police,
S.S.Colony Police Station,
Madurai.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to give police protection for conducting "Kabaddi" Tournament at Madakulam Village, Madurai, on 16.09.2017 and 17.09.2017 from Morning 8.00 a.m., to Night 8.00 p.m.

For Petitioner

: Mr.R.Murugappan

For Respondent

: Mr.S.Sadhish Kumar,

Additional Government Pleader.

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondent to give police protection for conducting "Kabadi" Tournament, at Madakulam Village, Madurai, on 16.09.2017 and 17.09.2017 from morning 8.00 a.m., to night 8.00 p.m.

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

3.The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kabadi" tournament at Madakulam Village, Madurai, on 16.09.2017 and 17.09.2017 from morning 8.00 a.m., to night 8.00 p.m.

4. When the representation was given by the petitioner on 30.08.2017, there was no response till the Writ petition is filed. After this, the Writ petition was filed on 06.09.2017, the order has been passed by the Assistant Commissioner, Thilagar Thidal (Law and Order), Madurai City, in Na.Ka.No.229 of 2017, dated 07.09.2017, rejecting the request of the petitioner to conduct "Kabadi" tournament as scheduled. The reason stated in the order is that previously in the year 2015, there was a clash when Volleyball tournament was conducted in the same ground. The clash between two groups resulted in injury to an individual and a case was registered in Crime No.636 of 2015 for the offences under Sections 294(b), 323, 324 and 506(ii) I.P.C.



5. It is in view of the registration of the case, in connection with an incident that occurred in the Volleyball ground, the apprehension of the respondent is that there is a likelihood of law and order problem on account of "Kabadi" tournament and cannot be ignored. At the same time, the "Kabadi" is a sports event and it should always be encouraged in public interest. Sports events are always considered as an event to encourage the villagers, particularly youngsters to build a civic society resistant to several evils.

6. It is in that spirit, the impugned order passed by the Assistant Commissioner, Thilakar Thidal (Law and Order), Madurai City, in Na.Ka.No.229 of 2017, dated 07.09.2017, cannot be sustained, as total prohibition cannot be imposed on the ground of law and order. It is the police who should give adequate police protection and to see that no untoward incident happen, when such events are organized at the village level.

7. In that view of the matter, this Court is inclined to pass the following direction:-

i) The respondent herein shall consider the representation of the petitioner and permit the petitioner to conduct "Kabadi" tournament and also to provide adequate police protection for the event scheduled to be held on **16.09.2017 and 17.09.2017** from Morning 8.00 a.m to Night 8.00 p.m., on each day.

ii) The petitioner suggested that to conduct the programme at the place called V.K.D. Play ground may be considered. The event should be strictly conducted in the place as approved by the second respondent. However, respondent herein is directed to choose only a place near Madakulam Village so that the organizers will not lose their interest and spirit by which they come forward to conduct the programme.

iii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

iv) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity.

v) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

vi) 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.

vii) Songs praising communal leader or having communal overtones should not be played.



viii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed.

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

(x) 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;

(xi) Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time.

(xii) The participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;

(xiii) If there is any untoward incident took place, the village people and the organizers of the tournament be made responsible for the same;

(xiv) The respondent concerned is directed to issue necessary permission, incorporating the above conditions.

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

8. 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.

9. The Writ petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
S.S.Colony Police Station,
Madurai.

+1cc to Mr.R.Murugappan, Advocate SR.No.77870

PSD/PMU

VB/SV/MMS/SAR1/13/09/2017/3P/3C

W.P. (MD) No.16951 of 2017
08.09.2017