



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.17640 of 2017

WEB COPY
L.Cherman

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
Pavoorchathram Police Station,
Tirunelveli District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of impugned order of the respondent in respect of the "Kabadi Tournament", dated 13.09.2017 and quash the same and further directing the respondent to grant permission to conduct the "Kabadi Tournament" on 21.10.2017 to 22.10.2017 from 11.00 P.M to next day 02.00 P.M at the Public ground situated in Pavoorchatram Village, Tenkasi Taluk, Tirunelveli District.

For Petitioner : Mr.C.Susikumar

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

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of impugned order of the respondent in respect of the "Kabadi Tournament", dated 13.09.2017 and quash the same and further directing the respondent to grant permission to conduct the "Kabadi Tournament", on 21.10.2017 to 22.10.2017 from 11.00 p.m., to next day 02.00 p.m., at the Public ground situated in Pavoorchatram Village, Tenkasi Taluk, Tirunelveli District.

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

<https://hcservices.ecourts.gov.in/hcservices/courts/madrashighcourt/>
3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct the "Kabadi" tournament on



21.10.2017 from 11.00 p.m., to 02.00 p.m., on 22.10.2017 at Public ground, situated in Pavoorchatram Village, Tenkasi Taluk, Tirunelveli District. In this connection, a representation, dated 13.09.2017 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 passed an impugned order, dated 14.09.2017, rejected the said representation 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. Though the permission is declined by the respondent police, by the impugned proceedings, dated 14.09.2017 on the ground that there is a likelihood of law and order problem, the learned Additional Government Pleader submitted that the permission can be granted subject to stringent conditions and time restrictions.

5. The respondent police has passed the impugned order rejecting the permission, not on the basis of any incident or communal tension in the area. Except stating that there is likelihood of law and order problem, it is not indicated that the problem is due to communal unrest or other valid cause.

6. Hence, this Court is inclined to set aside the impugned order dated 14.09.2017, passed by the respondent police and allow the Writ Petition with the following directions:

(i) The **"Kabadi"** tournament, at Public ground situated in Pavoorchatram Village, Tenkasi Taluk, Tirunelveli District, scheduled to be held on **21.10.2017 from 11.00 p.m., to 02.00 p.m., on 22.10.2017**, 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) There should not be any Flex Boards representing any community or political leaders.

(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. 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

The Inspector of Police,
Police Station,
Tirunelveli District.



+1cc to M/S.B.BASKAR, Advocate SR.No.80152

+1cc to Special Government Pleader, SR.No. 79906

pmu

MAS/SV-MMS/SAR3:25.09.2017:4P-4C

W.P. (MD) No.17640 of 2017
19.09.2017