



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

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

W.P. (MD) No.17806 of 2017

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Kamarajar Welfare Association
Represented by its President,
Ramkumar,
S/o.Ramakrishnan.
Bahrathi Street,
Kannankulam,
Radhapuram Taluk,
Tirunelveli District.

...Petitioner

-Vs-

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
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 give permission to conduct "Kabadi" as well as cultural programs from 01.10.2017 to 02.10.2017 at Kannankulam village, Radhapuram Taluk, Tirunelveli by considering the petitioner's representation dated 18.09.2017.

For Petitioner : Mr.P.Samuel Gunasingh

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 give permission to conduct "Kabadi" as well as cultural programs from 01.10.2017 to 02.10.2017 at Kannankulam village, Radhapuram Taluk, Tirunelveli by considering the petitioner's representation dated 18.09.2017.

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

<https://hcservices.courts.mv.in/hcservices/>
3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kabadi" as well as cultural



programs programme from 01.10.2017 to 02.10.2017 at Kannankulam village, Radhapuram Taluk, Tirunelveli. He further submitted that in this connection, a representation was given to the second respondent on 15.09.2017, with a request to grant permission and protection to conduct the programme on the above said date. However, the second respondent police has 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" as well as "cultural programs" subject to stringent conditions.

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

The second respondent/The Inspector of Police, Panagudi Police Station, Panagudi, Tirunelveli District, is directed to consider the representation of the petitioner, dated 18.09.2017 and to give permission and to provide police protection for "Kabadi" Tournament on 01.10.2017 and "cultural programs" on 02.10.2017 at Kannankulam village, Radhapuram Taluk, Tirunelveli, subject to the following conditions;

(I) (i) *The "Kabadi" tournament at Kannankulam village, Radhapuram Taluk, Tirunelveli, scheduled to be held on 01.10.2017.*

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.

(II) (a) the **"cultural programs"** at Kannankulam village, Radhapuram Taluk, Tirunelveli District, scheduled to be held on 02.10.2017, should be completed before **10.30 p.m** or as may be directed by the second 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) there should not be any Flex Boards representing any community or political leaders;

(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.



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/

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Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.

+1cc to Mr.P.SAMUEL GUNASINGH, Advocate, SR.80173

+1cc to M/S.Special Government Pleader, SR.80972

W.P. (MD) No.17806 of 2017

21.09.2017

KK/KP/SAR 3/26.09.2017/ 4P- 5C/