



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.18194 of 2017

P.Hariharasudan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent dated 05.09.2017 in Na.Ka.No.49/Sc.Mu/Ka.Thu.Ka.Ee/2017 and quash the same and consequently direct the respondents to grant permission and police protection to conduct the Kabadi Tournament by the petitioner's club at Ponnagara Play Grounds at Pottal, Ambasamuthiram Taluk, Tirunelveli from 10.00 p.m., on 30.09.2017 till 10.00 a.m., on 01.10.2017 on the basis of the petitioner's representation dated 02.09.2017.

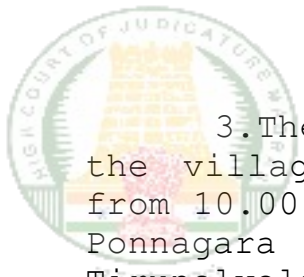
For Petitioner : Mr.A.David Oliver

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader.

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent dated 05.09.2017 and quash the same and consequently to direct the respondents to grant permission and police protection to conduct the Kabadi Tournament at Ponnagara Play Grounds at Pottal, Ambasamuthiram Taluk, Tirunelveli from 10.00 p.m., on 30.09.2017 till 10.00 a.m., on 01.10.2017, on the basis of the petitioner's representation dated 02.09.2017.

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



3. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi tournament from 10.00 p.m., on 30.09.2017, till 10.00 a.m., on 01.10.2017, at Ponnagara Play Grounds at Pottal, Ambasamuthiram Taluk, Tirunelveli. 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 representation of the petitioner seeking permission was rejected by order dated 05.09.2017, only on the ground that there is a likelihood of law and order problem, as there is no consensus among the people, who belongs to different communities. The other reason is that Section 30(2) of the Police Act, is in force and that the supporters of communal based organizations, will interfere in the event, when the programme was conducted in the grant manner.

4. The reasons sated in the order of rejection cannot be countenanced. First of all, it is the duty of the respondent police to give protection to such events, especially sports in this country, conducted at village level, should always be encouraged. Secondly, Section 30(2) of Police Act, is in force throughout the State. Hence, the reason given in the order impugned, does not convey any meaning. Further, the provisions of Tamil Nadu Police Act, is meant to regulate any event so as to maintain law and order and not to prohibit any meeting or event, where a huge crowd is likely to participate. The final reason also is not valid, in the sense that the respondent, who is duty bound to give protection to common man, cannot express their helplessness on account of any anti-social elements. It is also brought to the notice of this Court, that in the previous years, similar order was passed by the second respondent and this Court allowed the writ petition filed in W.P.(MD) No.20995 of 2016, dated 02.11.2016, to grant permission and give necessary police protection to the above said programme.

5. In view of the above observation, the writ petition is allowed and the impugned dated 05.09.2017, passed by the first respondent is set aside. The second respondent is directed to give permission and police protection to conduct the Kabadi Tournament by the petitioner's club at Ponnagara Play Grounds at Pottal, Ambasamuthiram Taluk, Tirunelveli from 10.00 p.m., on 30.09.2017, till 10.00 a.m., on 01.10.2017, subject to the following conditions;

(i) The Kabadi tournament at Ponnagara Play Grounds, at Pottal, Ambasamuthiram Taluk, Tirunelveli District, scheduled to be held from 30.09.2017 at 10.00 p.m. to 01.10.2017 at 10.00 a.m.

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

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

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

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

No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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

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

+1cc to Mr. A. DAVID OLIVER Advocate in SR. No. 80650

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 81166

MM/CMR

JS/SKN.RSK/SAR.2/27.09.2017/3P-5C