



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.19702 of 2017

A.Kannan

... Petitioner

Vs.

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

2. The Inspector of Police,
A.Mukkulam Police Station,
Thiruchuli,
Virudhunagar District.

... Respondents

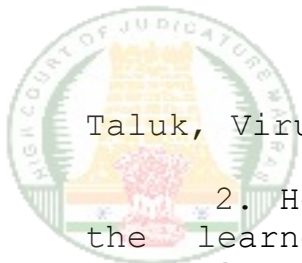
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the second respondent vide his Ref.No.23/Registered Post/B12PS/VNR/2017, dated 23.10.2017 and to quash the same as illegal consequently directing the respondents to grant permission to conduct Kabadi Tournament scheduled to be held on 10.11.2017 between 09.00 p.m., to 11.30. a.m., in the name of P.Kumar Memorial Club, Koovarkulam, Mudukkankulam Post, Kariyapatti Taluk, Virudhunagar District.

(Amended as per order dated 06.11.2017, in W.M.P. (MD) No.16302 of 2017)

For Petitioner : Mr.D.Senthil
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the second respondent vide his Ref.No.23/Register Post/B12PS/VNR/2017, dated 23.10.2017 and to quash the same as illegal consequently directing the respondents to grant permission to conduct "Kabadi" Tournament scheduled to be held on 10.11.2017 between 09.00 p.m., to 11.30. a.m., in the name of P.Kumar Memorial Club, Koovarkulam, Mudukkankulam Post, Kariyapatti



Taluk, Virudhunagar District.

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

WEB COPY

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kabadi" tournament on 10.11.2017 in the name of P.Kumar Memorial Club, Koovarkulam, Mudukkankulam Post, Kariyapatti Taluk, Virudhunagar District. In this connection, a representation was given to the respondents on 20.10.2017, with a request to grant permission to conduct the tournament on the above said date. However, the permission was refused by the second respondent, by an order dated 25.10.2017. Thereafter, the petitioner has also filed a petition for Amendment of the prayer and the same was allowed by this Court.

4. It is also stated by the learned counsel for the petitioner that in the impugned order, dated 25.10.2017, the Sub Inspector of Police, A.Mukkulam Police Station, Thiruchuli, Virudhunagar District, has stated that there is likelihood of law and order problem in view of the fact that the "Kabadi" Tournament is likely to attract participation by the persons belonging to various communities from neighbouring villages. It was only on account of likelihood of breach of peace, permission was refused and there was no other reason stated in the order. The learned counsel for the petitioner also brought to the notice of this Court, a joint representation given by the "Kabadi" teams belonging to Thenur Village, Sooranur Village, S.Maraikulam Village and Chithanenthall Village.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the respondents have serious objections for conducting "Kabadi" Tournament.

6. From the joint representation, it can be seen that the "Kabadi" teams representing neighbouring villagers have expressed their eagerness to participate in the sports event organized by the petitioner in his village. It is to be noted that "Kabadi" Tournament is a sports event and the persons organizing such sports meet at village level should be encouraged.

7. The respondent police should encourage such sports event. Even if there is any communal unrest, a sports event if it is conducted peacefully will change the atmosphere and hence, the respondent police should also encourage such event by giving adequate police protection. It is stated by the petitioner that the petitioner has been conducting such sport event on earlier occasions. This year they have only organized the sport event, namely, "Kabadi" scheduled to be conducted at day and night. Since there is no instance of violence relating to this sports event, this Court is not able to sustain the order of second respondent.



8. As a result, the impugned order passed by the second respondent dated 25.10.2017, vide his Ref.No.23/Registered Post/B12PS/VNR/2017, is set aside and the Writ petition is allowed, with the following directions:

The second respondent/The Inspector of Police, A.Mukkulam Police Station, Thiruchuli, Virudhunagar District, is directed to consider the representation of the petitioner, dated 20.10.2017 and to give permission and to provide police protection for conducting "Kabadi" tournament scheduled to be held on **10.11.2017** from 09.00 p.m., to 11.30. a.m., in the name of P.Kumar Memorial Club, Koovarkulam, Mudukkankulam Post, Kariyapatti Taluk, Virudhunagar District, subject to the following conditions:-

- i) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.
- ii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity.
- iii) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.
- iv) 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.
- v) Songs praising communal leader or having communal overtones should not be played.
- vi) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed.
- vii) There should not be any Flex Boards representing any community or political leaders;
- viii) 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;
- ix) Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time.
- 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 respondent concerned is directed to issue necessary permission, incorporating the above conditions.
- xiii) The Referee must be authorized person from the District Association.

9. The second respondent is at liberty 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



WEB COPY

4

order and communal harmony. There can be a total ban for putting up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
2. The Inspector of Police,
A.Mukkulam Police Station,
Thiruchuli,
Virudhunagar District.

+ 1 CC TO Mr.D.SENTHIL, ADVOCATE IN SR No. 85452
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 85589

PMU

TE/JC/SAR-I : 09/11/2017 : 4P/5C

W.P. (MD) No.19702 of 2017
06.11.2017