

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.10.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) No.19818 of 2017

A.Arunkumar

... Petitioner

-Vs-

State rep. by
The Inspector of Police,
Puliyankudi Police Station,
Thirunelveli District.

... Respondent

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of impugned order in Na.Ka.No.20/P1 PS/2017 of the respondent in respect of the "Minnoli Kabadi Tournament" dated 25.10.2017 and quash the same and further directing the respondent to grant permission to conduct the "Minnoli Kabadi Tournament" on 28.10.2017 to 29.10.2017 from 10.00 pm to next day 3.00 pm at the public ground situated in Keelapudur Village, Sivagiri Taluk, Thirunelveli District.

For Petitioner : Mr.C. Susikumar

For Respondent : Mr.D.Muruganantham
Additional Government Pleader.

O R D E R

This Writ Petition has been filed for issuing a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of impugned order in Na.Ka.No.20/P1 PS/2017 of the respondent in respect of the "Minnoli Kabadi Tournament" dated 25.10.2017 and quash the same and further directing the respondent to grant permission to conduct the "Minnoli Kabadi Tournament" on 28.10.2017 to 29.10.2017 from 10.00 pm to 3.00 pm at the public ground situated in Keelapudur Village, Sivagiri Taluk, Thirunelveli District.

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 would submit that the villagers jointly decided to conduct the "Minnoli Kabadi



Tournament" on 28.10.2017 to 29.10.2017 from 10.00 pm to 3.00 pm at the public ground situated in Keelapudur Village, Sivagiri Taluk, Thirunelveli District. In this connection, a representation was given to the respondent police on 23.10.2017, with a request to grant permission to conduct the tournament on the above said dates. However, the respondent Police has rejected the same on the ground that the peoples are belong to different communities and that therefore, there is a likelihood of law and order problem and hence, the petitioner is before this Court with this Writ Petition.

4.The learned Additional Government Pleader appearing for the respondent, on instructions, would submit that the respondent have serious objection for permitting the petitioner to conduct "Kabadi" Tournament.

5. The impugned order of refusal was only on the ground that there is a likelihood of law and order and communal harmony in view of the fact that people belong to several communities are residing in the village Keelapudur. When permission is sought for conducting a sport event in village level, the same cannot be denied on mere apprehension of any law and order issues there is no reference to specific untoward incidents regarding communal clash or law and order as stated in the impugned order. Merely because several players are participating in the event in the village and that the persons belong to different communities are residing in the village permission cannot be denied. However, it is the duty and responsibility to the respondent to give police protection for conducting such sports. However, without giving details regarding any untoward incidents order has been passed. Hence, the impugned order is set aside and the Writ Petition is allowed subject to the following directions:-

(i)The respondent/The Inspector of Police, Puliyankudi Police Station, Thirunelveli District. , is directed to give permission and to provide police protection for conducting ""Minnoli Kabadi Tournament" scheduled to be held on 28.10.2017 to 29.10.2017 from 10.00 pm to 3.00 pm at the public ground situated in Keelapudur Village, Sivagiri Taluk, Thirunelveli District.

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 for the tournament must be authorized person from the District Kabadi Association or a person qualified to be a Referee at State level.

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

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Puliyankudi Police Station,
Tirunelveli District.

+1cc to M/S.B.BASKAR, Advocate SR.No.83982.

W.P. (MD) No.19818 of 2017
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