



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No. 20646 of 2017

Esra

... Petitioner

Vs.

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

... Respondent

Prayer: Writ Petition 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 impugned order passed by the respondent by his proceeding dated 27.10.2017 in Na.Ka.No.21/PlPS/2017 and quash the same and consequently direct the respondent to grant permission and protection for conducting Kabadi Tournament at Perunthalaivar Kamarajar Nursery School Ground, T.N.Pudukudi, Puliyangudi, Kadayanallur Taluk, Tirunelveli District in the eve of Christmas to be held on 25.12.2017 at 11.00 p.m., to 26.12.2017 at 10.00 a.m.

For Petitioner

: Mr.V.Sasikumar

For Respondent

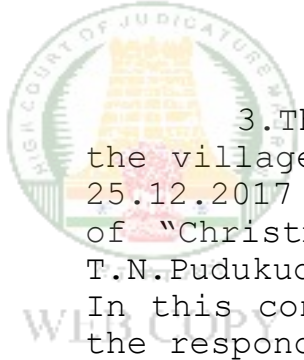
: Mr.D.Muruganantham

Additional Government Pleader.

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent by his proceeding dated 27.10.2017 and quash the same and consequently to direct the respondent to grant permission and protection for conducting Kabadi Tournament at Perunthalaivar Kamarajar Nursery School Ground, T.N.Pudukudi, Puliyangudi, Kadayanallur Taluk, Tirunelveli District in the event of Christmas to be held on 25.12.2017 at 11.00 p.m., to 26.12.2017 at 10.00 a.m.

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 Kabadi tournament from 25.12.2017 at 11.00 p.m. to 26.12.2017 at 10.00 a.m., in the event of "Christmas" at Perunthalaivar Kamarajar Nursery School Ground, T.N.Pudukudi, Puliyangudi, Kadayanallur Taluk, Tirunelveli District. In this connection, a representation dated 24.10.2017, 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 rejected the request of the petitioner and hence, the petitioner is before this Court with this Writ Petition. The learned Counsel for the petitioner further submitted that as the Kabadi Tournament is conducted in a peaceful manner by the villagers by every year, there will be no untoward incident by the people of the village.

4. The learned Special Government Pleader appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such tournament.

5. The permission was rejected by the respondent on the ground that there is likelihood of law and order problem in the area. Kabadi tournament is a sports event, when it was conducted at village level, it should be encouraged. When the organizer of the tournament conducts a sport event, the respondent cannot deny the permission on apprehension, in the absence of any valid reason. In the said circumstances, the Writ Petition is allowed and the impugned order passed by the respondent in Na.Ka.No.21/PlPS/2017 dated 27.10.2017 is set aside and the respondent / The Inspector of Police, Puliyangudi Police Station, Puliyangudi, Tirunelveli District, is directed to consider the representation of the petitioner, dated 24.10.2017 and to give permission and to provide police protection for conducting "Kabbadi Tournament" at Perunthalaivar Kamarajar Nursery School Ground, T.N.Pudukudi, Puliyangudi, Kadayanallur Taluk, Tirunelveli District, scheduled to be held from 25.12.2017 at 11.00 p.m., to 26.12.2017 at 10.00 a.m., subject to the following conditions;

(i) The Kabadi tournament at Perunthalaivar Kamarajar Nursery School Ground, T.N.Pudukudi, Puliyangudi, Kadayanallur Taluk, Tirunelveli District, scheduled to be held from 25.12.2017 at 11.00 p.m., to 26.12.2017 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) 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.

No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub-Assistant Registrar

To

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

+One cc to M/s.V.Sasikumar, Advocate, SR.No.86355

+One cc to The Special Government Pleader, SR.No.86242

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RL/4C/3P/JC/SAR1/22/11/2017

W.P. (MD) No.20646 of 2017
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