



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) No.21767 of 2017

and

W.M.P. (MD) No.18055 of 2017

Gowtham Ramakrishanan

... Petitioner

Vs.

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

2. The Sub Inspector of Police,
Veerapandi Police Station,
Veerapandi,
Theni 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 relating to impugned order passed by the second respondent dated 20.11.2017 and quash the same as illegal consequently direct the respondents to grant permission to conduct "Kabadi tournament" scheduled to be held on 02.12.2017 and 03.12.2017 from 6.p.m. to 4 a.m. At Bodendrapuram Village, Veerapandi, Theni District.

For Petitioner : Mr.V.Angusamy

For Respondents : 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, calling for the records relating to impugned order passed by the second respondent dated 20.11.2017 and quash the same as illegal consequently direct the respondents to grant permission to conduct "Kabadi tournament" scheduled to be held on 02.12.2017 and 03.12.2017 from 6 p.m. to 4 a.m. at Bodendrapuram Village, Veerapandi, Theni District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional 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 02.12.2017 and 03.12.2017 from 6 p.m. to 4 a.m. at Bodendrapuram Village, Veerapandi, Theni District. 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 second respondent has rejected permission without assigning any reason. He further submitted that permission is refused and no reason will be gathered from the order impugned in this writ petition. The reason for rejection cannot be upheld, especially when an event like Kabadi, which is a Sports event, is required to be permitted and encouraged when it is conducted in village level. In many cases permission is not granted citing law and order problems. In this case, the respondents have not even cited either law and order or disruption of public peace as reasons. Hence, the writ petition is allowed and the impugned order dated 20.11.2017, passed by the second respondent is set aside. The respondent is directed to give permission and police protection to conduct the Kabadi Tournament, on 02.12.2017 and 03.12.2017 from 6.p.m to 4.a.m at Bodendrapuram Village, Veerapandi, Theni District, subject to the following conditions:

(i) The Kabadi tournament at Bodendrapuram village, Veerapandi, Theni District, scheduled to be held from 06.00 p.m. on 02.12.2017 to 04.00 a.m on 03.12.2017 shall be conducted peacefully.

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 respondent concerned is directed to issue necessary permission, incorporating the above conditions.

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

4. It is open to the second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity. There can be a total ban for putting of any Flex Boards representing any community. No costs. Consequently, the connected W.M.P.(MD) No.18055 of 2017 is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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

2. The Sub Inspector of Police,
Veerapandi Police Station,
Veerapandi,
Theni District.

+1cc to Mr.V.Angusamy, Advocate Sr.No.90061

+1cc to The Spl.Government Pleader Sr.No.89888

VSG/PNN

VB/SKN/RSK/SAR1/30/11/2017/3P/5C

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