



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.22000 of 2017

D.Saramani

... Petitioner

-Vs-

State Represented by its,
The Inspector of Police,
Sellur Police Station,
Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to grant permission to accord protection for conducting the "Kabadi Tournament" scheduled on 02.12.2017 from 06.00 p.m. to 03.12.2017 till 09.00 a.m. and 03.12.2017 06.00 p.m. to 04.12.2017 09.00 a.m. two days going to be held in Vaigai River ground, Backside of Sellur Bus Stop, Madurai.

For Petitioner : Mr.M.Subash Babu

For Respondent : Mr.R.Karthikeyan

Additional Government Pleader.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondent to grant permission to accord protection for conducting the "Kabadi Tournament" scheduled on 02.12.2017 from 06.00 p.m. to 03.12.2017 till 09.00 a.m. and 03.12.2017 06.00 p.m. to 04.12.2017 09.00 a.m. two days going to be held in Vaigai River ground, Backside of Sellur Bus Stop, Madurai.

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 02.12.2017 from 06.00 p.m. to 03.12.2017 till 09.00 a.m. and 03.12.2017 06.00 p.m. to 04.12.2017 09.00 a.m. at Vaigai River ground, Backside of Sellur Bus Stop, Madurai. In this connection, a representation was given to the second respondent police on 24.11.2017, with a request to grant permission to conduct the tournament on the above said dates. However, the respondent Police has not considered 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, there will be no untoward incident by the people of the village.

4. The learned Additional Government Pleader appearing for the respondent submitted that this Court may grant permission for "Kabadi Tournament" subject to stringent conditions.

5. The learned Additional Public Prosecutor reported that in view of the programme is scheduled to be conducted in the place of Public Works Department and that the permission has to be obtained by the petitioner. Whenever the programme which is fixed in a public place which place below to the Government Department, permission is required. Hence subject to condition such permission that may be obtained by petitioner concerned from the Public Works Department, this Court has directed the respondent to consider the representation of the petitioner and grant permission for conducting Kabadi Tournament for two days as the programme scheduled, subject to the following conditions:

6. The petitioner shall obtain permission from the Public Works Department and concerned officials by making an application and the authorities shall appropriate orders on such application being presented on or before 30.11.2017. The order shall be passed by the authority concerned on or before 01.12.2017.

7. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following directions:

(i) The respondent/Inspector of Police, Sellur Police Station, Madurai District, is directed to consider the representation of the petitioner, dated 24.11.2017 and to give permission and to provide police protection for conducting "Kabadi" Tournament, scheduled to be held from 02.12.2017 from 06.00 p.m. to 03.12.2017 till 09.00 a.m. and 03.12.2017 06.00 p.m. to 04.12.2017 09.00 a.m. at Vaigai River ground, Backside of Sellur Bus Stop, Madurai.

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 second 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.

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

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
Sellur Police Station,
Madurai District.

+ 1 CC TO Mr.M.SUBASH BABU, ADVOCATE IN SR No. 90154

GSP

TE/SKN-RSK/SAR-1 : 30/11/2017 : 3P/3C

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