



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD)No.22864 of 2017

Saravanan

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Trichy District.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Thiruvarampur, Trichy District.

3.The Inspector of Police,
Thiruvarampur Police Station,
Trichy District.

... Respondents

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 in Na.Ka.No.Nil B1/PS/2017 dated 09.12.2017 on the file of the third respondent and quash the same as illegal and consequently direct the second respondent to grant permission for conducting Kabaddi Tournament on 16.12.2017 and 17.12.2017 respectively at Elaikudi Village, North Kattur, Trichy District from evening 07.00 p.m to 02.00 a.m.

For Petitioner	: Mr.S.Vanchinathan
For Respondents	: Mr.D.Muruganantham
	Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.Nil B1/PS/2017 dated 09.12.2017 on the file of the third respondent and quash the same as illegal and consequently direct the second respondent to grant permission for conducting Kabaddi Tournament on 16.12.2017 and 17.12.2017 respectively at Elaikudi Village, North Kattur, Trichy District from evening 07.00 p.m to 02.00 a.m.



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 on 16.12.2017 and 17.12.2017 respectively at Elaikudi Village, North Kattur, Trichy District from evening 07.00 p.m to 02.00 a.m. 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 date, 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, there will be no untoward incident by the people of the village.

4. The learned Additional Government Pleader appearing for the respondents, 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. Having considered the facts and circumstances and the submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents, this Court is of the view that necessary permission shall be granted to the petitioner and his Villagers to conduct Kabadi tournament on the above said dates. The permission was sought by the petitioner and the same was rejected by the respondent only on the ground that Section 30(2) of the Police Act was in force in the particular area and further there is a possibility of law and order problem. The impugned order does not disclose any valid reason except law and order problem. It is admitted that no untoward incident reported earlier. In the said circumstances, the impugned order is set aside and the respondents are directed to grant permission to conduct Kabadi Tournament subject to the following conditions:

(i) The Kabadi tournament at Elaikudi Village, North Kattur, Trichy District, scheduled to be held on 16.12.2017 and 17.12.2017 respectively from evening 07.00 p.m., to 02.00 a.m., shall be conducted peacefully without giving room for any communal problems.

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 or communal harmony.

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 takes 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.

6.It is open to the third 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 up any Flex Boards representing any community. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,

O/o.The Superintendent of Police, Trichy District.

2.The Deputy Superintendent of Police,

O/o.The Deputy Superintendent of Police,
Thiruvarampur, Trichy District.

3.The Inspector of Police, Thiruvarampur Police Station,
Trichy District.

+One cc to The Special Government Pleader, SR.No.92722

+2 ccs to Mr.S.Vanchinathan, Advocate, SR.No.92555

rmk