



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No.23055 of 2017

G.Mohanraj

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Ambasamuthiram,
Tirunelveli District.

2. The Sub Inspector of Police,
Alwarkurichi Police Station,
Alwarkurichi,
Tirunelveli 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 pertaining to the impugned order passed by the first respondent dated 06.12.2017 in Na.Ka.No.145/Se.Mu/Ka.Thu.Ka.Ee/2017 and quash the same and consequently direct the respondents to grant permission and police protection to conduct the Kabadi Tournament by the petitioner Club at Karuthapillayur Panchayat Thidal, Ambasamuthiram Taluk, Tirunelveli from 08.00 p.m on 23.12.2017 till 08.00 a.m on 24.12.2017 on the basis of petitioner's representation dated 04.12.2017.

For Petitioner : Mr.A.David Oliver

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 pertaining to the impugned order passed by the first respondent dated 06.12.2017 in Na.Ka.No.145/Se.Mu/Ka.Thu.Ka.Ee/2017 and quash the same and consequently direct the respondents to grant permission and police protection to conduct the Kabadi Tournament by the petitioner Club at Karuthapillayur Panchayat Thidal, Ambasamuthiram Taluk, Tirunelveli from 08.00 p.m on 23.12.2017 till 08.00 a.m on 24.12.2017 on the basis of petitioner's representation dated 04.12.2017.



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 8.00 p.m on 23.12.2017 till 08.00 a.m on 24.12.2017 at Karuthapillayur Panchayat Thidal, Ambasamuthiram Taluk, Tirunelveli 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. The permission sought for by the petitioner was refused by the first respondent on the ground that there is likelihood of law and order problem. It is also stated that Section 30(2) of Police Act is in force. Since the tournament is conducted in large scale, it is likely that public will report inconvenience. No specific incident of any violation or communal unrest is reported in relation to such event in the past. Kapadi tournament is a sports event and the respondent in the State would always promote and encourage such events, especially when it is conducted in village level. This court is unable to see any justification in the impugned order. As a result, the writ petition is allowed and the impugned order dated 06.12.2017 is set aside. The second respondent is directed to give permission and police protection to conduct the Kabadi Tournament, from 08.00 p.m on 23.12.2017 till 08.00 a.m on 24.12.2017 at Karuthapillayur Panchayat Thidal, Ambasamuthiram Taluk, Tirunelveli District, subject to the following conditions:

(i) The Kabadi tournament at Karuthapillayur Panchayat Thidal, Ambasamuthiram Taluk, Tirunelveli District, scheduled to be held from 08.00 p.m on 23.12.2017 till 08.00 a.m on 24.12.2017 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.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Ambasamuthiram, Tirunelveli District.

2. The Sub Inspector of Police,
Alwarkurichi Police Station,
Alwarkurichi, Tirunelveli District.

+ 1 cc TO Mr.A.David Oliver , Advocate in SR No. 93014

+ 1 cc TO The Special Government Pleader in SR No. 93367

vsg

AE/SKN RSK/SAR1/20.12.2017/3P/5C