



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.23224 of 2017

WEB COPY

J.Robertson

... Petitioner

Vs.

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

2.The State rep.by
The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents particularly the 2nd respondent to grant permission for conducting the Volley Ball Tournament on 22.12.2017 at TDTA School Campus, Nallur, Tirunelveli District from 6'clock in the evening under the name of Minoli Volley Ball Tournament till the match is over forthwith.

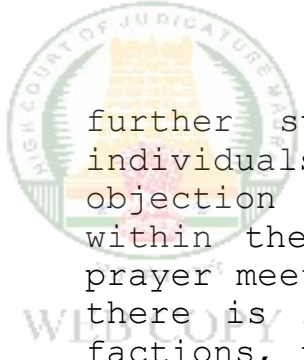
For Petitioner : Mr.S.Palani Velayutham
For Respondents : Mr.R.Karthikeyan
Additional Government Pleader.

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondents particularly the 2nd respondent to grant permission for conducting the Volley Ball Tournament on 22.12.2017 at TDTA School Campus, Nallur, Tirunelveli District from 6'clock in the evening under the name of Minoli Volley Ball Tournament till the match is over.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.Though the learned Additional Government Pleader appearing for the respondents, on instructions, submitted that there is likelihood of law and order problem, no specific instance or untoward incident is brought to the notice of this Court. He further submitted that a criminal complaint was registered in Criminal Case No.1190 of 2017 on 28.06.2017 and from a reading of the FIR, it indicates that the dispute is between two private individuals and it is not relating to any tournament or sports event. He



further submitted that representation was given by the two individuals and the same is produced before this Court. The objection is on the ground that the sports event is organised within the premises of CSI Church, which is meant for offering prayer meetings and other religious functions. Except stating that there is likelihood of law and order problem due to religious factions, the objections were not on the basis of any material. If the organizers of the event have permission from the concerned persons for conducting the tournament in the place chosen by them, there is no justification in preventing the sports event being conducted by the petitioner.

4. The petitioner states that the sports event is conducted by Y.M.C.A. Sports Club, Nallur, Tirunelveli District and that the object of the sports club is to promote sports activities and tournaments between the youngsters and other people in the village. The petitioner further states that the sports club organised similar tournaments in the past and this year, they proposed to conduct the same on 22.12.2017 from 6.00 p.m.

5. If sports event is conducted in a village level, normally, it should be encouraged. Unless the respondents have any information from the intelligence pointing out some law and order issue on account of tensed situation prevailing in a particular locality, this Court is of the view that the respondents are expected to grant permission and to give adequate police protection.

6. In view of the above, the second respondent is directed to consider the representation of the petitioner dated 13.12.2017 and grant permission and adequate police protection to conduct "Volley Ball" tournament on 22.12.2017 at TDTA School Campus, Nallur, Tirunelveli District from 6'0 Clock in the evening under the name of Minoli Volley Ball Tournament subject to the following conditions:

i) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

ii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity.

iii) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

iv) The participants of Volley Ball tournament shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance.

v) Songs praising communal leader or having communal overtones should not be played.

vi) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed.



(vii) There should not be any flex boards representing any community or political leaders;

(viii) 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;

(ix) Similarly, the Police is empowered to stop the Volley Ball tournament, if it exceeds beyond the permitted time.

(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.

(xiv) It is open to the respondent to put any reasonable restriction or condition so as to ensure maintenance of law and order and communal harmony.

7. In view of the above, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police,
Alangulam Police Station,
Alangulam,
Tirunelveli District.

+1cc to M/S.S.Palani Velayutham, Advocate SR.No. 93657

+1cc to Special Government Pleader, SR.No. 93733

W.P. (MD) No. 23224 of 2017

18.12.2017