



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.23433 of 2017

K.Moris

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant permission and protection for conducting "Kabadi" Tournament scheduled to be conducted from 28.12.2017 at 8.00 p.m., onwards till 29.12.2017 8.00 p.m., day and night matches to be held at Sports Ground near at Maruthakulam Village, Nanguneri Taluk, Tirunelveli District, based on the petitioner's representation to the respondents, dated 7.12.2017.

For Petitioner : Mr.M.Maharaja

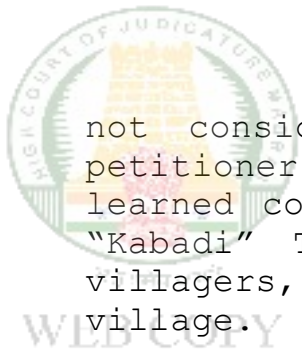
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondents to grant permission and protection for conducting "Kabadi" Tournament scheduled to be conducted from 28.12.2017 at 8.00 p.m., onwards till 29.12.2017 8.00 p.m., day and night matches to be held at Sports Ground, near at Maruthakulam Village, Nanguneri Taluk, Tirunelveli District, based on the petitioner's representation to the respondents, dated 07.12.2017.

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 submitted that the villagers jointly decided to conduct "Kabadi" tournament on 28.12.2017 and 29.12.2017 at Sports Ground, near at Maruthakulam Village, Nanguneri Taluk, Tirunelveli District. In this representation was given to the respondents on 07.12.2017, with a request to grant permission to conduct the tournament on the above said dates, however, the respondents have



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 produced before this Court a communication received from the Sub Inspector of Police, Moondradaippu Police Station, Tirunelveli District. The communication is addressed to the petitioner. It can be taken that the communication is in response to the representation of the petitioner declining permission and police protection for conducting "Kabadi" Tournament as prayed for in the Writ petition. The following reasons are stated for rejecting the permission:-

i) Last year the "Kabadi" Tournament was conducted in a place where there was no sufficient space for the audience to view the tournament.

ii) There is no primary medical facilities available near the road side and that there is no outgoing facility in case of emergency during the past.

iii) Since no arrangement is made for giving life protection to the players who are participating in the tournament and no arrangement is made for the players during last year.

5. It is to be noted that the only reason that there can be taken as genuine is with regard to the facts of the case that the petitioner has not specified the place in which the "Kabadi" Tournament is conducted. It is also to be noted that even in the present Writ petition, the petitioner has fixed the sports ground near Maruthakulam Village as the venue for the "Kabadi" Tournament.

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

The respondent/The Inspector of Police, Moondradaippu Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 07.12.2017 and to give permission and to provide police protection for conducting "Kabadi" tournament scheduled to be held from 28.12.2017 at 08.00 p.m., to 29.12.2017 at 08.00 p.m., at Sports Ground, near at Maruthakulam Village, Nanguneri Taluk, Tirunelveli District, 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 "Kabadi" 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 Kabadi 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) First aid facility should be provided by the petitioner during the "Kabadi" Tournament.

7. 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 (CS-II)

/True copy/

Sub Assistant Registrar

To

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

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

+1cc to Mr.M.MAHARAJA, Advocate, SR. 93982

+1cc to M/S.Special Government Pleader, SR. 94346

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