



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.23434 of 2017

WEB COPY

R.Sudhakar

... Petitioner

Vs.

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

2. The Inspector of Police,
Navalpattu Police Station,
Navalpattu, Trichy 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 to perform "Kabadi" Tournament in connection with Tamil month of Thai "Pandian Ninaivu Kabadi Tournament", at Nesavalur Colony, Ayanputhur, Trichy District, on 24.12.2017 and 25.12.2017.

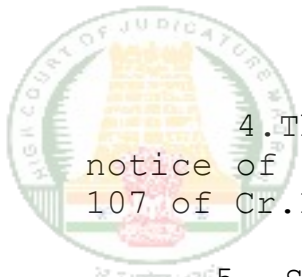
For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.D.Muruganantham,
Additional Government Pleader.

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus, directing the respondents to grant permission to perform "Kabadi" Tournament in connection with Tamil month of Thai "Pandiyan Ninaivu Kabadi Tournament", on 24.12.2017 and 25.12.2017, at Nesavalur Colony, Ayanputhur, Trichy District.

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 in connection with Tamil month of Thai "Pandiyan Ninaivu Kabadi Tournament", on 24.12.2017 and 25.12.2017 at Nesavalur Colony, Ayanputhur, Trichy District. In this connection, a representation was given to the respondents on 16.12.2017, 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 brought to the notice of this Court that a case has been registered under Section 107 of Cr.P.C.

5. Since the proceedings appears to be in relation to some other subject and that conducting of "Kabadi" Tournament cannot be rebutted on the basis of the other criminal case registered in the concerned police station. It has been repeatedly pointed out by this Court that there is no necessity to register the case under Section 107 of Cr.P.C. This Court only assume that the respondent police has an information about the dispute between two factions regarding some property and that the same cannot be a reason for preventing the "Kabadi" Tournament being conducted.

6. It is also stated that the "Kabadi" Tournament has been conducted for about 13 years during past and that this year also the elders of the village have unanimously decided to conduct the "Kabadi" Tournament and that there is no objection from any quarters for conducting the event. "Kabadi" Tournament is a sports event and it should be encouraged when it is organized/conducted at village level.

7. The apprehension of the second respondent cannot be ignored. However, from the nature of the case registered, this Court does not see any law and order problem even for conducting the "Kabadi" Tournament.

8. In that view of the matter, this Court is inclined to pass the following directions:

The second respondent/The Inspector of Police, Navalpattu Police Station, Navalpattu, Trichy District, is directed to consider the representation of the petitioner, dated 16.12.2017 and to give permission and to provide police protection for conducting "Kabadi" tournament scheduled to be held on 24.12.2017 and 25.12.2017, in connection with Tamil month of Thai "Pandiyana Ninaivu Kabadi Tournament", at Nesavalur Colony, Ayanputhur, Trichy 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 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.

9. 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.

10. With the above direction, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Trichy District, Trichy.
2. The Inspector of Police,
Navalpattu Police Station,
Navalpattu, Trichy District.

+1cc to M/S.M.S.Jeyakarthik, Advocate SR.No. 93944

W.P. (MD) No. 23434 of 2017
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