



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.23547 of 2017

WEB COPY

S.Vicknesh

... Petitioner

Vs.

The Inspector of Police,
Thiruvarumpur Police Station,
Trichy District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the respondent vide his proceedings in Na.Ka.No.-/B1PS/2017 dated nil, quash the same as illegal, consequently directing the respondent to grant permission to conduct Kabadi Tournament scheduled to be held on 24.12.2017 from 07.00 p.m. to 26.12.2017 10.00 a.m. in the name of the Rajesh Kabadi Kulu at Malaikovil, Mariyamman Kovil Street, Thiruvarumpur, Trichy District.

For Petitioner : Mr.T.Vadivelan

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

O R D E R

The Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the respondent vide his proceedings in Na.Ka.No.-/B1PS/2017 dated nil, quash the same as illegal, consequently directing the respondent to grant permission to conduct Kabadi Tournament scheduled to be held on 24.12.2017 from 07.00 p.m. to 26.12.2017 10.00 a.m. in the name of the Rajesh Kabadi Kulu at Malaikovil, Mariyamman Kovil Street, Thiruvarumpur, Trichy District.

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

3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kabadi" tournament from 24.12.2017 to 26.12.2017 at Malaikovil, Mariyamman Kovil Street, Thiruvarumpur, Trichy District. In this connection, a representation was given to the respondent on 15.15.2017, with a



request to grant permission to conduct the tournament on the above said dates, however, the respondent has refused to grant permission to conduct the Tournament without assigning any reason 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 respondent has objected for granting permission to the petitioner to conduct 'Kabadi' Tournament.

5. Though the permission was rejected by the respondent by the impugned order which is to be seen that the rejection was only on the ground of likelihood of law and order. The learned Additional Government Pleader relied upon two F.I.Rs., which are not pertaining to Kabadi Tournament or any one was participated or organised the Tournament. Merely because some crime has been registered in the locality, it is not appropriate to reject the permission. The respondent has not pointed out any untoward incident caused or objective reasons to reject the permission. Consequently, the impugned order is set aside and the Writ Petition is allowed with the following directions:

The respondent/The Inspector of Police, Thiruvarumpur Police Station, Trichy District, is directed to consider the representation of the petitioner dated 15.12.2017 and to give permission and to provide police protection for conducting "Kabadi" tournament scheduled to be held from 24.12.2017 at 07.00 p.m., to 26.12.2017 at 10.00 a.m., at Malaikovil, Mariyamman Kovil Street, Thiruvarumpur, 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 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 content 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.

6. The 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

The Inspector of Police,
Thiruvarumpur Police Station,
Trichy District.

+1cc to Mr.T.VADIVELAN, Advocate, SR. 94723

W.P. (MD) No.23547 of 2017
22.12.2017

AKV

KK/SV MMS/SAR 1/22.12.2017/ 3P- 3C/