



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.05.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD).Nos.8867, 8883, 8891 and 8969 of 2017

W.P. (MD).No.8867 of 2017

M.Kavaskar

... Petitioner

vs.

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

2.The Inspector of Police,  
Srivilliputtur Town Police Station,  
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission to conduct the Kabadi Tournament competition and to give adequate Police protection in State Level scheduled on 27.05.2017 at 9.00 p.m. to 28.05.2017 at 9.00 p.m. "Elanthendral Kabadi Kuzhu" at Senkulam Village, Srivilliputhur Taluk, Virudhunagar District by considering his representation dated 02.05.2017.

For Petitioner

: Mrs.Lakshmi Gopinathan

For Respondents

: Mr.B.Pugalendhi,

Addl. Advocate General,

asst. by Mr.V.Muruganandham,

Addl. Government Pleader

W.P. (MD).No.8883 of 2017

Sigappu Raja

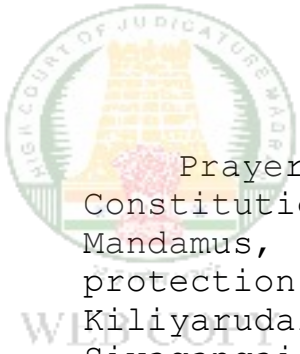
... Petitioner

vs.

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

2.The Inspector of Police,  
Sivagangai Police Station,  
Sivagangai District.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to give permission and protection for conducting Kabadi Tournament conducted by Kiliyarudaiya Ayyanar Kabadi Kulu at Kirungakottai, Manamadurai, Sivagangai District, scheduled to be hld on from 13.05.2017 at 7.00 a.m. to 6.00 p.m.

For Petitioner : Mr.E.P.Venkateswar  
For Respondents : Mr.B.Pugalendhi,  
Addl. Advocate General,  
asst. by Mr.V.Muruganandham,  
Addl. Government Pleader

W.P.(MD).No.8891 of 2017  
Madasamy

... Petitioner

vs.

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

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission and protection for Kabadi Tournament programme scheduled to be held from 27.05.2017 at 10.00 p.m. to 28.05.2017 at 10.00 a.m. at Thidal of Pillaivalarthi Amman Temple, Kadanganeri, Alankulam Taluk, Tirunelveli District.

For Petitioner : Mr.S.Sivakumar  
For Respondents : Mr.B.Pugalendhi,  
Addl. Advocate General,  
asst. by Mr.V.Muruganandham,  
Addl. Government Pleader

W.P.(MD).No.8969 of 2017  
Mathivanan

... Petitioner

vs.

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



2.The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Karaikudi, Sivagangai District.

3.The Inspector of Police,  
South Police Station,  
Karaikudi, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give permission for conducting day night Kabadi Programme with mike on 17.05.2017 and 18.05.2017 and given adequate police protection to be conducted in Senjai, Karaikudi Taluk, Sivaganagi District on the basis of the petitioner's representation dated 08.05.2017.

|                 |                                                                                                           |
|-----------------|-----------------------------------------------------------------------------------------------------------|
| For Petitioner  | : Mr.R.Venkatesan                                                                                         |
| For Respondents | : Mr.B.Pugalendhi,<br>Addl. Advocate General,<br>asst. by Mr.V.Muruganandham,<br>Addl. Government Pleader |

#### COMMON ORDER

(Order of the Court was made by T.RAJA, J)

These Writ Petitions have been filed by the petitioners for issuance of a Writ of Mandamus, directing the respondent to grant permission and protection for conducting Kabadi Tournament.

2.Since the issue involved in these cases are one and the same, they were heard together and disposed of by way of this common order.

3.Learned counsel for the petitioners submitted that in order to promote harmony and in order to develop Kabadi sports, Kabadi tournaments are being conducted by the petitioners in their respective village for the past several years. They have decided to conduct Kabadi tournaments for this year also, for which they have also given their representations to the respective respondents/Police, requesting them to grant permission therefor. Since no order has been passed on the said representations, the petitioners have filed the present writ petitions for the above mentioned relief.

4.On earlier occasion, while entertaining a similar request, keeping in mind that if a Kabadi player is unnecessarily driven to the Court to get permission for conducting Kabadi Tournament, the interest of the players would be totally extinguished, one of us passed a detailed order in W.P.(MD).No.18166 of 2013, dated 11.11.2013, wherein after granting the relief, this



Court has held as follows:

"9. Before parting with the case, I wish to mention that nowadays, the request for grant of permission to play Kabadi Tournaments are invariably rejected by the police authorities without any good cause, I am afraid if the attitude of the Police Department in entertaining reasonable permission for conducting Kabadi Tournament is not properly regulated, the sports spirit and the ancient martial art developed in the past, once for all will disappear from this soil, therefore, a suitable direction needs to be issued to all the police officials by the Head of the Police Department for the reason that when all other countries are giving top priority for nurturing and developing the sports like, Badminton, Cricket, Chess and Foot ball etc., by granting special quota even in professional colleges, like Engineering, Medical and other colleges, in an effort to promote Indian Sports to take part in Olympic and other international tournaments, our ancient Kabadi Game or any other Game should not be discouraged by rejecting the genuine request of a person, like the petitioner in the instant case. Therefore, the Director General of Police and District Police authorities are hereby directed to encourage the sports spirit among the village youths as that would definitely bring out harmony among the youths coming beyond caste, creed, religion and region, that is what is required for the unity and integrity of the nation.

10. The Registry is directed to send a copy of this order to the Director General of Police, Chennai. On receipt of the same from the Registry, the Director General of Police, Chennai, shall communicate the directions of this Court to all the District Superintendent of Police so as to give suitable guidelines to their subordinate police officials in this matter. "

5. Pursuant to the said order, the Superintendent of Police, Madurai District, Madurai, has issued a circular in C.No.595/C/SB-MD/2015 to all his subordinates. The relevant portion is extracted hereunder:

"It is to bring to your notice that the Honourable Madurai Bench of Madras High Court in W.P. (MD).no.18166 of 2013 has already issued an order directing the District Police authorities to encourage the sports spirit among the village



youths as that would definitely bring out harmony among the youths coming beyond caste, creed, religion and region, that is what is required for the unity and integrity of the nation.

Hence, all the officers are strictly instructed to favourably consider and give permission without delay to conduct of Kabaddi, Cricket, Aadal-Padal and other local traditional functions. Police Officers must encourage traditional sports and sportsman spirit in order to motivate and develop the youth on the right lines."

6. This apart, a specific direction has also been issued by this Court to the Director General of Police to communicate this direction of this Court to all the District Superintendent of Police so as to give suitable guidelines to their subordinate police officials in this connection. But, it is not known as to why till date the genuine request of the petitioners to hold Kabadi Tournament have not been considered by the respondents.

7. Learned Additional Advocate General appearing for the respondents, taking note of the importance of conducting Kabadi Tournaments, has submitted that again suitable instructions would be given to the Police Department in this regard. The said statement is recorded.

8. In view of the above, this Court passes the following order:-

"The respondents are directed to grant permission to the petitioners to conduct "Kabadu Tournament" at the place, date and time mentioned in their respective representations, subject to the following conditions:

i) The petitioners shall ensure that the tournament should not spill over beyond time limit fixed.

ii) The petitioners and other participants shall not shout / raise any slogan implicating / demoralizing any party or party leader, any caste, community or creed;

iii) The petitioners shall ensure that no untoward incident is caused thereby disturbing the public peace and tranquility.

iv) The petitioners shall ensure keeping of proper first aid arrangements, preferably keeping one or two doctors in the venue.

v) If there is any violation of the above said conditions, the respondent or the duly authorised officer is entitled to take necessary action as per law and stop such performance.



9. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-  
Assistant Registrar (P&A) /  
Vacation Officer.

WEB COPY

/True Copy/

Sub Assistant Registrar.

To

1. The Superintendent of Police, Virudhunagar District,  
Virudhunagar.
2. The Inspector of Police, Srivilliputtur Town Police Station,  
Virudhunagar District.
3. The Superintendent of Police,  
Sivagangai District, Sivagangai.
4. The Inspector of Police, Manamadurai Police Station,  
Sivagangai District.
5. The Superintendent of Police, Tirunelveli District, Tirunelveli.
6. The Inspector of Police, Oothumalai Police Station,  
Tirunelveli District.
7. The Deputy Superintendent of Police,  
Office of the Deputy Superintendent of Police,  
Karaikudi, Sivagangai District.
8. The Inspector of Police, South Police Station,  
Karaikudi, Sivagangai District.
9. The Director General of Police, Chennai.
10. Additional Advocate General,  
The Madurai Bench of Madras High Court, Madurai.

+1CC to M/S.R.Venkatesan, Advocate, SR.No. 56163  
+1CC to M/S.S.Sivakumar, Advocate, SR.No.56113  
+1CC to M/S.Polax Legal Solutions, SR.No. 56214  
+1CC to M/S.E.P.Venkateswar, Advocate, SR.No. 56250  
+1CC to the Special Government Pleader SR.No. 56304

W.P (MD) .Nos.8867, 8883, 8891  
and 8969 of 2017  
10.05.2017