



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.05.2017

CORAM :

THE HON'BLE MR.JUSTICE T.RAJA

W.P(MD) No.8884 of 2017

P.Kumar

... Petitioner

Vs.

The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.

.... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to accord necessary permission for conduct of the Kabadi Tournament at the Playgrounds near the Nagamalai Pudukkottai Police Station, Nagamalai Pudukkottai, Madurai District on 13th and 14th May, 2017 by considering the representation of the petitioner dated 03.05.2017.

For Petitioner	: Mr.P.Sengutta Arasan
For Respondent	: Mr.S.Chandrasekar Govt. Advocate

O R D E R

This Writ Petition has been filed by the petitioner, seeking to direct the respondent to accord necessary permission for conduct of the Kabadi Tournament at the Playgrounds near the Nagamalai Pudukkottai Police Station, Nagamalai Pudukkottai, Madurai District on 13th and 14th May, 2017 by considering the representation of the petitioner dated 03.05.2017.

2. Learned counsel for the petitioner would submit that the petitioner is organising only a sports event and has given a representation dated 03.05.2017 to the respondent seeking permission for the same. Since no decision has been taken by the respondent so far, he is before this Court. The learned counsel undertakes that the petitioner would not give any political colour to the Kabadi Game, scheduled to be held on 13.05.2017 and 14.05.2017 and the petitioner is prepared to abide by the conditions by the respondent, if the respondent grants permission for conducting Kabadi Game. The undertaking given by the learned counsel for the petitioner is recorded.

3. Learned Government Advocate appearing for the respondent heavily opposing the prayer, submitted that in the event of this Court granting permission to the petitioner to conduct the game,



stringent conditions should be imposed for maintaining law and order and also to avoid any untoward incident during performance of such tournament.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. In similar circumstances, a Hon'ble Division Bench of this Court in W.P(MD).Nos.8867 of 2017 etc batch decided on 10.05.2017 has granted the relief to the petitioner therein by observing as under:

"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 (T.RAJA, J) has 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 orders 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.

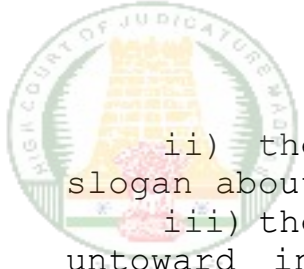
Hence, all the officers are strictly instructed to favourably consider and give permission without delay to conduct of Kabaddi, Cricket, Aadal-Padal and other local traditional functions. Police Officers must encourage traditional sports and sports man spirit in order to motivate and develop the youth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

6. Taking note of the fact that the petitioner is going to organise only Kabadi Game, keeping it open to everyone in the village and outside the village, beyond religion, caste, community and party, this Court is of the view that no prejudice would be caused to the respondent, if the relief sought for by the petitioner is granted. Hence, the respondent is directed to accord necessary permission for conduct of the Kabadi Tournament at the Playgrounds near the Nagamalai Pudukkottai Police Station, Nagamalai Pudukkottai, Madurai District on 13th and 14th May, 2017, subject to the following conditions:-

<https://hcservices.ecourts.gov.in/hcservices/>

i) The petitioner should ensure that Kabadi Game should not spill over beyond 10.00 P.M;



ii) the petitioner and other participants should not raise any slogan about the party or party leader;

iii) the petitioner should ensure that there will not be any untoward incident, causing disturbance to the public peace and tranquility; and

iv) the petitioner should also ensure proper first-aid arrangements, by keeping one or two doctors.

If any of the above said conditions are violated, it is open to the respondents to take appropriate action, in accordance with law.

6. With the above direction, this petition is disposed of. No costs.

Sd/-

ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

ar/srm

To:

The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.

1CC TO MR P. SENGUTTARASAN ADVOCATE SR: 36231

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W.P (MD) No.8884 of 2017
10.05.2017