



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2017

CORAM:

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE N.SESHASAYEE

W.P(MD)No.9066 of 2017

C.Ponnudurai

... Petitioner

Vs.

The Sub-Inspector of Police,
Pavoorchatram Police Station,
Pavoorchantram,
Tirunelveli District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent by his impugned order, dated 02.05.2017 and quash the same and consequently direct the respondent to grant permission for conducting "Kabadi" on 20.05.2017 to 21.05.2017 during day and night hours at Kondalur, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District based on the petitioner's representation, dated 01.05.2017.

For Petitioner : Mr.K.Esakki

For Respondent : Mr.M.Alagathevan
Special Government Pleader.

O R D E R

(Order of the court was made by M.V.MURALIDARAN, J.)

The writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent by his impugned order, dated 02.05.2017 and quash the same and consequently direct the respondent to grant permission for conducting "Kabadi" on 20.05.2017 to 21.05.2017 during day and night hours at Kondalur, Avudaiyanoor Village, Tenkasi Taluk, Tirunelveli District based on the petitioner's representation, dated 01.05.2017.

2. The learned Special Government Pleader, takes notice for the respondent. By consent, the writ petition itself is taken up for final disposal.



3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

4. The learned counsel appearing for the petitioner would submit that the programme is being conducted by the villagers regularly in order to promote harmony during the above said festival period; that a representation was given to the respondent concerned, but, however, the same was not considered by the respondents so far and hence, the petitioner is before this Court with this writ petition. The learned counsel appearing for the petitioner would further submit that as the Kabadi is conducted in a peaceful manner by the villagers, there will be no untoward incident on account of this celebration.

5. The learned Special Government Pleader appearing for the respondent, on instructions, would submit that the permission sought for by the petitioner may be granted with appropriate and stringent conditions for maintaining law and order and also to avoid any untoward incident during performance of such competition.

6. In view of the submission made by the learned Special Government Pleader, the Writ Petition is disposed of by setting aside the impugned order dated, 02.05.2017 with a direction to the respondent concerned to accord permission to the petitioner to conduct the Kabadi in connection with the above said festival of the Temple for above said dates between 20.05.2017 to 21.05.2017 during day and night hours at Kondalur, by incorporating the following conditions:

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

ii) The Referee must be a professionally competent person to be nominated / appointed from the District Kabadi Association;

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

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

v) The participants of Kabadi tournament shall not wear any form of dress displaying offending slogans or picture of any communal/political leader which may cause disturbance.

vi) The petitioner will ensure that no flex board or banner displaying particular community or leader will be displayed.



(vii) No flex boards in support of any political party or religious leader be erected.

(viii) The participants of the tournament shall not intake any kind of intoxicating substance or liquor during the tournament;

(ix) In the event of any untoward incident, the organizers of the tournament will be made responsible for the same;

(x) 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.

(xi) A qualified Ortho specialist must be nominated / appointed.

(xii) The participants of the tournament shall be provided soft nutritious drinks.

(xiii) No loud speaker shall be used after 6.00 p.m. to next day morning 6.00 a.m. No costs.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar.

To

The Sub-Inspector of Police,
Pavoorchatram Police Station,
Pavoorchantram,
Tirunelveli District.

+1CC to M/S.R.Esakki, Advocate, SR.No. 56565

W.P (MD) No.9066 of 2017
17.05.2017

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