

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10275 of 2018

K.Muthuraman

.. Petitioner

-vs-

State rep. by the Inspector of Police,
Arangkandanallur Police Station,
Villupuram District-605 752.

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent authority to give permission to conduct Cultural Programme (Volley Ball Match) at Veerapandi Sri Throupathiamman Temple Festival at Kandanchipuram Taluk, Villupuram District on 28.04.2018 by considering the petitioner's representation dated 20.4.2018.

For Petitioner :: Mr.M.Tamilpriyan

For Respondent :: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The petitioner seeks a direction to the respondents to grant permission to conduct cultural programme (Volley Ball Match) at Veerapandi Sri Throupathiamman Temple Festival at Kandanchipuram Taluk, Villupuram District on 28.04.2018 by considering the petitioner's representation dated 20.4.2018.

2. The learned counsel appearing for the petitioner submitted that the petitioner is a resident of Veerapandi Village, Kancheepuram Taluk, Villupuram District and also claims to be one of the members of Vizha Commttee. It is stated in the affidavit that the committee has been conducting the Cultural Programme (Volley Ball Tournament) in the Veerapandi Sri Throupathiamman Temple Festival for the past ten years in a grand and peaceful manner from 6.00 p.m. on the said date. Therefore, in order to conduct the cultural programme along with Volley Ball Tournament this year, the petitioner has submitted a representation to the respondent on 20.04.2018 seeking permission to conduct the cultural programme on 28.04.2018. As

the said representation has not been considered by the respondent so far, the petitioner is before this Court.

3. 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 stringent conditions for maintaining law and order and also to avoid any untoward incident during the performance of such programme.

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 now-a-days, 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 bring to your notice that the Hon'ble 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, Aada-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 Volley Ball Match, keeping it open to everyone in the village and outside the village, beyond religion, caste, community and political party, this Court is of the view that no prejudice would be caused to the respondents, if the relief sought for by the petitioner is granted. Hence, the respondent is directed to grant permission and to provide adequate police

protection for conducting the village level Volley Ball Tournament organized by Veerapandi Sri Throupathiamman Temple Vizha Committee to be held on 28.04.2018, subject to the following conditions:

i. The petitioner should ensure that Volley Ball Match should not spill over beyond 11.00 p.m.;

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

iii. The petitioner should ensure that there will not be any untoward incident, causing disturbance to the public peace and tranquillity.

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

7. With the above direction, this Writ Petition is disposed of . No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

tsi
To

1. The Inspector of Police,
Arangkandanallur Police Station,
Villupuram District-605 752.

2. The Public Prosecutor
High Court, Madras 104.

Copy to
The Director General of Police
Chennai.

+1 CC to Mr.M. Tamil Priyan, Advocate sr 30261.

+1 CC to Govt. Pleader sr 31261.

KJ(CO)
SP(26/04/2018)

W.P.No.10275 of 2018

WEB COPY