

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.29286 of 2018

K.Srinivasan

.. Petitioner

Vs.

1. The Deputy Superintendent of Police,
Gudiyatham Taluk,
Vellore District.

2. The Inspector of Police,
Peranambut Police Station,
Vellore District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records in Na.Ka.No.117/Ka.Aa/Peranambut Police Division/2018 dated 16.10.2018 and to quash the same as unlawful, illegal and unconstitutional and consequently direct the 2nd respondent to grant permission for conducting Kabadi Tournament on such other date as suggested by this Hon'ble Court at Usooranpatti Village, Morasapalli Post, Peranambut Taluk, Vellore District - 635 810.

For Petitioner : Mr.M.Subash Pandiyan

For Respondents: Mr.N.Inbanathan
Government Advocate

सत्यमेव जयते

O R D E R

This writ petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for records in Na.Ka.No.117/ Ka.Aa/Peranambut Police Division/2018 dated 16.10.2018 and to quash the same as unlawful, illegal and unconstitutional and consequently direct the second respondent to grant permission for conducting Kabadi Tournament at Usooranpatti Village, Morasapalli Post, Peranambut Taluk, Vellore District - 635 810.

2. Heard the learned counsel appearing for the petitioner

and the learned Government Advocate appearing for the respondents.

3. The learned counsel for the petitioner would submit that the villagers jointly decided to conduct the Kabadi Tournament on 18.10.2018 at Usooranpatti Village, Peranambut Taluk, Vellore District. In this connection, a representation was given to the respondent police, with a request to grant permission to conduct the tournament on the above said dates, however the representation of the petitioner seeking permission was rejected by order dated 16.10.2018, only on the ground that there is a likelihood of law and order problem, as there is no consensus among the people, who belongs to different communities. The other reason is that Section 30(2) of the Police Act, is in force and that the supporters of communal based organizations, will interfere in the event, when the programme was conducted in a grand manner.

4. The reasons stated in the order of rejection cannot be countenanced. First of all, it is the duty of the respondent police to give protection to such events, especially sports in this country, conducted at village level, should always be encouraged. Secondly, Section 30(2) of Police Act, is in force throughout the State. Hence, the reason given in the order impugned, does not convey any meaning. Further, the provisions of Tamil Nadu Police Act, is meant to regulate any event so as to maintain law and order and not to prohibit any meeting or even, where a huge crowd is likely to participate. The final reason also is not valid, in the sense that the respondent, who is duty bound to give protection to common man, cannot express their helplessness on account of any anti-social elements. It is also brought to the notice of this Court, that in the previous years, similar order was passed by this second respondent and this Court allowed the writ petition filed in W.P.(MD)No.20995 of 2016, dated 02.11.2016, to grant permission and give necessary police protection to the above said programme and the said order dated 02.11.2016 was also relied on by this Court in W.P(Md)No.18194 of 2017 dated 22.09.2017.

5. In view of the above observation, the Writ Petition is allowed and the impugned order dated 16.10.2018, passed by the second respondent is set aside. The second respondent is directed to give permission and police protection to conduct the Kabadi Tournament by the petitioner's club at Usooranpatti Play Ground, Morasapalli Post, Peranambut Taluk, Vellore District before end of this month, subject to the following conditions;

(i) The Kabadi tournament at Usooranpatti Play Ground, Morasapalli Post, Peranambut Taluk, Vellore District on any day before end of this month between 10.p.m and 10 a.m.

(ii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

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

(iv) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

(v) 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.

(vi) Songs praising communal leader or having communal overtones should not be played.

(vii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed.

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

(ix) 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;

(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. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

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Sub Assistant Registrar

Srn/av

To

1. The Deputy Superintendent of Police,
Gudiyatham Taluk,
Vellore District.

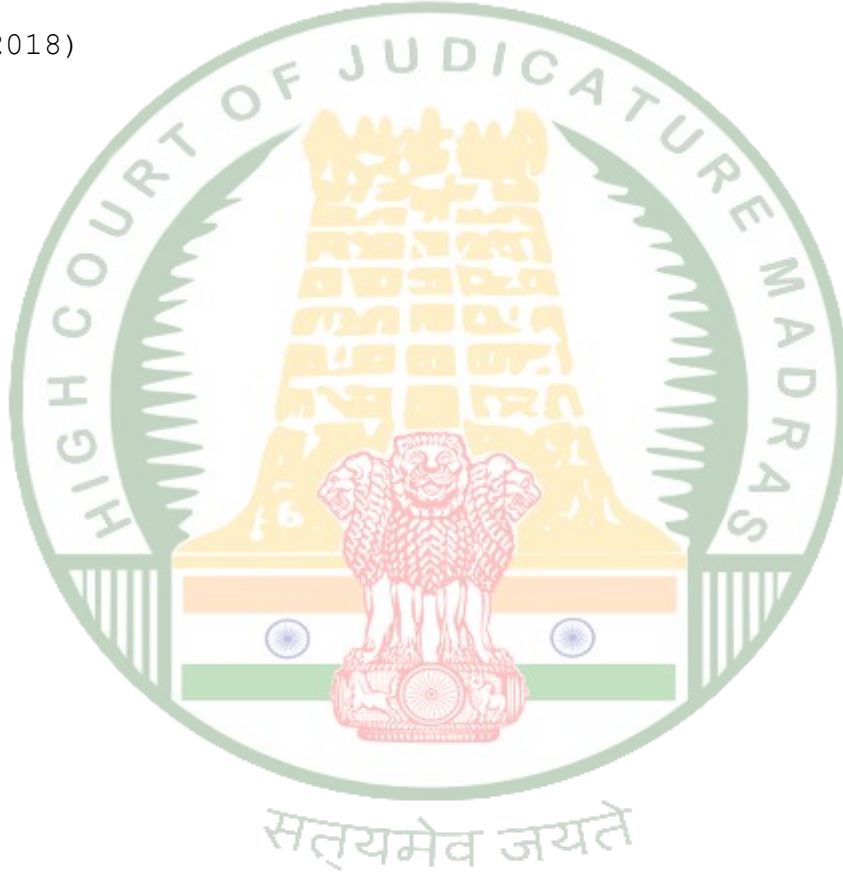
2. The Inspector of Police,
Peranambut Police Station,
Vellore District.

+1cc to Mr.M.Subash Pandiyan, Advocate, S.R.No. 76579

+1cc to the Government Pleader, S.R.No. 76728

W.P. No.29286 of 2018

VSN(CO)
GN(13/11/2018)



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