



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE D.KRISHNAKUMARW.P.(MD) No.7544 of 2018

S.Thangadurai

... Petitioner

-Vs-

The Inspector of Police,
Pavoorchatram Police Station,
Thirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent in his proceedings dated 03.04.2018 and quash the same as illegal and consequently directing the respondent to grant permission and afford protection for conducting the Kabadi Tournament scheduled from 28.04.2018 at about 11.00 pm to 29.04.2018 at about 12.00 pm and for usage of mike set during the said tournament scheduled at Ramanathapuram Thidal, Adaikalamapattinam village, Alangulam Taluk, Thirunelveli District.

For Petitioner : Mr.D. Venkatesh
For Respondents : Mr.P.Kannidevan
Special Government Pleader

O R D E R

The petitioner has come forward with this Writ Petition to call for the records pertaining to the impugned order passed by the respondent in his proceedings, dated 03.04.2018 and to quash the same as illegal and consequently, direct the respondent to grant permission and afford protection for conducting the Kabadi Tournament scheduled from 28.04.2018 at about 11.00 pm to 29.04.2018 at about 12.00 pm and for usage of mike set during the said tournament scheduled at Ramanathapuram Thidal, Adaikalamapattinam village, Alangulam Taluk, Thirunelveli District.

2. According to the petitioner, he has made representation to the respondent on 03.04.2018 and the same was rejected by the respondent on the same day. Challenging the aforesaid order, the petitioner has filed the present Writ Petition stating that without giving any detailed reason, the respondent has simply rejected the representation on the ground that there will be likelihood of law and order problem and hence, the impugned order is liable to be set aside.



3. The learned Additional Government Pleader appearing for the respondent would submit that if the petitioner is permitted to conduct the Kabadi Tournament, it will cause law and order problem among the petitioner's village people and other village people of different communities, who all gather to view the tournament.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5. Since permission was refused, the petitioner is before this Court. In the impugned order, except stating that there is a likelihood of law and order problem, there is no reference to any serious incident or special circumstances justifying the respondents to prohibit a sports event. The programme organized by the petitioner is only a sports event, which is required to be promoted and it would also have some public interest to permit such sports event at village level not only for promotion of sports but also to divert youngsters and students to focus an attention in developing sports and to find means for the villagers to spend their time usefully. By no means, there cannot be any prohibition for such event. The respondent can always regularize such programmes, keeping in mind public peace and tranquillity. In such view of the matter, the impugned order passed by the second respondent, dated 03.04.2018 is quashed and remanded to the respondent with the following directions:

(a) The petitioner is directed to place all the materials before the respondent Police and also he would file necessary affidavit to that effect.

(b) The second respondent is directed to consider the petitioner's representation, dated 03.04.2018 and pass appropriate orders on merits and in accordance with law, on or before 25.04.2018, by passing reasoned order and taking into consideration, the additional materials placed by the petitioner.

(c) In case, the respondent decided to permit the petitioner to conduct the event as scheduled by the petitioner, the same will be subject to the usual conditions or any other reasonable conditions, so as to ensure law and order and communal harmony.

6. In fine, this Writ Petition is allowed with above direction. No order as to costs.

Sd/-

Assistant Registrar(AS)

/True copy/



To

The Inspector of Police,
Pavoorchatram Police Station,
Thirunelveli District.

+1CC TO M/S.D.VENKATESH, ADVOCATE, SR NO.61737
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.61657

W.P. (MD) No.7544 of 2018
16.04.2018

trp

MS/SV-MMS/SAR-2/20.04.2018/3P.4C