



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.1679 of 2018

M.S.Udaiyar

... Petitioner

-Vs-

1.The Superintendant of Police,
Thoothukudi District,
Thoothukudi.

2.The Sub-Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

(Cause title amended as per the
order of this Court in W.M.P.(MD)
No.2291 of 2018, dated 31.01.2018)

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order in No.01/C2PS/Memo/2018 of the 2nd respondent dated 23.01.2018 and quash the same and consequently direct the second respondent to grant permission to conduct Kabadi Tournament scheduled to be held on 03.02.2018 at 06.00 p.m to 04.02.2018 at 06.00 p.m pursuant Perarignar Anna Memorial Day and 70th Birthday of Purachithalaivi Amma at Thamburatti Amman Kovil Thidal, Vallanadu Village Srivaikundam Taluk, Tirunelveli District.

For Petitioner : Mr.S.Essakkipandi

For Respondents : Mr.N.Shanmuga Selvam

Additional Government Pleader

O R D E R

This writ petition has been filed to quash the impugned order passed by the second respondent, dated 23.01.2018 and consequently direct the second respondent to grant permission for conducting Kabadi Tournament from 06.00 p.m. On 03.02.2018 to 06.00 p.m. on 04.02.2018 in the eve of Perarignar Anna Memorial Day and 70th Birthday of Purachithalaivi Amma at Thamburatti Amman Kovil Thidal, Vallanadu Village, Srivaikundam Taluk, Tirunelveli District.



2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner has submitted that in their Village it was decided for conducting Kabadi Tournament in the eve of Perarignar Anna Memorial Day and 70th Birthday of Purachithalaivi Amma from 06.00 p.m on 03.02.2018 to 06.00 p.m on 04.02.2018. He further submitted that the second respondent has rejected the petitioner's representation by the impugned order dated 23.01.2018 without assigning any valid reason and hence the said impugned order has to be quashed.

4. The learned Additional Government Pleader has submitted that since the communal problems are coming, the petitioner's representation has been rejected by the second respondent. He further submitted that since the petitioner is seeking permission for conducting Kabadi Tournament though out the night as per the judgment of the Honourable Supreme Court of India in Church of God (Full Gospel) in India Vs K.K.R. Magestic Colony Welfare Association and Others, 2001-1LW (CRL) 233, using a loud speaker or a public address system after 10.00 p.m cannot be permitted, the petitioner's representation cannot be considered.

5. In the impugned order, the second respondent has stated that since communal problems are coming, permission for conducting Kabadi Tournament cannot be granted. The said reason cannot be accepted. Without mentioning the specific events, he cannot pass such kind of order, hence the said order has to be quashed.

6. Since the petitioner is seeking permission for conducting Kabadi Tournament during night hours, as per the aforesaid decision of the Honourable Supreme Court of India, he cannot be permitted to use a loudspeaker or a public address system between 10.00 p.m and 06.00 p.m. Therefore, the second respondent is directed to consider the petitioner's representation and pass appropriate order by keeping in mind the aforesaid decisions of the Honourable Supreme Court of India.

9. With the aforesaid observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.



2.The Sub Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

+1cc to Mr.S.ESAKKIPANDI, Advocate, SR. 45380

W.P. (MD) No.1679 of 2018
31.01.2018

GSP
KK/SV MMS/SAR 4/01.02.2018/ 3P- 4C/