



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.2358 of 2018

M.Maria Devasahayam

... Petitioner

-Vs-

1.The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.

2.The Inspector of Police,
Mukkudal Police Station,
Tirunelveli District.

...

Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings Na.Ka.No.80/செ.மு.ஆ/உ.கா.க/சேரை/2018 dated 02.02.2018 and quash the same as illegal, consequently, directing the respondents to permit the petitioner to conduct Kabadi Tournament from 11.02.2018 to 12.02.2018 between 10.00pm., to 06.00am., at M.S.Sudhan Playground, North Street, Ilanthaikulam, Tirunelveli District.

For Petitioner : Mr.P.Mani Anandh
For Respondents : Mr.B.Bhagawathi
Government Advocate

O R D E R

This writ petition has been filed to to call for the records pertaining to the impugned order passed by the first respondent in his proceedings Na.Ka.No.80/செ.மு.ஆ/உ.கா.க/சேரை/2018 dated 02.02.2018 and quash the same as illegal, consequently, direct the respondents to permit the petitioner to conduct Kabadi Tournament from 11.02.2018 to 12.02.2018 between 10.00pm., to 06.00am., at M.S.Sudhan Playground, North Street, Ilanthaikulam, Tirunelveli District.

2.Heard, Mr.P.Mani Anandh, learned counsel appearing for the petitioner and Mr.B.Bhagawathi learned Government Advocate 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 from 11.02.2018 to 12.02.2018 between 10.00pm., to 06.00am., and hence, the petitioner gave a petition before the second respondent on 30.01.2018, seeking permission, but, the second respondent has rejected the petition without any valid reason and the same has to be set aside.

4. A perusal of the impugned order passed by the second respondent shows that the second respondent has stated that the people belonging to Ilanthaikulam Village are acting in two groups and already a case has been registered, based on the complaint given by one M.S.Sate, on 10.01.2018, in Mukkudal Police Station in Crime No.8 of 2018 under Sections 294(b), 324, & 506(ii) of I.P.C. In this circumstances, if permission is granted to conduct Kabadi Tournament, they would create law and order problem between the two groups and hence he has rejected the petitioner's request.

5.The aforesaid reasons are not acceptable. The learned Government Advocate has fairly conceded that the F.I.R registered in Crime No.8/2018 in Mukkudal Police Station is not relating to the Kabadi Tournament and the same was given with regard to the dispute between two individuals. Therefore, the impugned order is set aside. The first respondent is directed to re-consider the petitioner's request and pass appropriate order and at the time of passing order he has to keep in mind the decision of the Hon'ble Supreme Court of India in Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors, reported in 2001 - 1 - L.W. (Cr1.) 233.

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

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1.The Deputy Superintendent of Police, Cheranmahadevi,
Tirunelveli District.

2.The Inspector of Police, Mukkudal Police Station,
Tirunelveli District.

+1CC to Mr.P.Mani Anandh, Advocate, SR.No. 46410

+1CC to the Special Government Pleader SR.No.46931

W.P. (MD) No.2358 of 2018

das/smi

<https://hcservices.ecourts.gov.in/hcservices/>

AM/SV MMS/SAR 17/08.02.2018/2P/5C