



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.2485 of 2018

S.Selvasankar

... Petitioner

-Vs-

1.The Superintendant of Police,
Thirnelveli District,
Thirunelvlei.

2.The Deputy Superintendant of Police,
Seranmahadevi Division,
Thirunelveli District.

3.The Inspector of Police,
Munneerpallam Police Station,
Thirunelveli District.

... Respondents

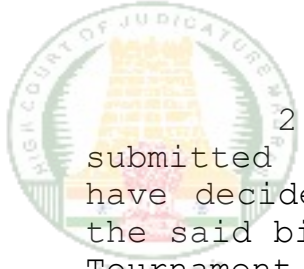
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the rejection order in Na.Ka.No.84/Se.Mu.Aa/U.Ka.K/ Serai/2018 of the second respondent dated 04.02.2018 and quash the same and consequently direct the respondent to grant permission to conduct Kabadi Tournament scheduled to be held on from 10.03.2018 at 4.00 pm to 11.03.2018 at 4.00 pm pursuant "Thalapathy Stalin's Birth Day" at Public Thidal Opposite by Anna Statue Munneerpallam Village, Palayamkottai Taluk, Thirunelveli Distirct.

For Petitioner : Mr.S.Esakkipandi

For Respondent : Mr.V.Shanmugaselvam
Additional Government Pleader

O R D E R

This Writ Petition has been filed to set aside the order passed by the second respondent in Na.Ka.No.84/Se.Mu.Aa/U.Ka.K/ Serai/2018, dated 04.02.2018 and consequently, direct the second respondent to grant a permission to conduct "Kabadi Tournament" scheduled to be held from 10.03.2018 at 4.00 p.m., to 11.03.2018 at 4.00 p.m., in the eve of "Thalapathy Stalin's Birth Day" at Public Thidal Opposite to Anna Statue Munneerpallam Village, Palayamkottai Taluk, Thirunelveli Distirct.



2. The learned counsel appearing for the petitioner has submitted that the people belonging to the Munneerpallam Village have decided to celebrate "Thalapathy Stalin's Birth Day". During the said birth day celebration, they also decided to conduct Kabadi Tournament and hence, the petitioner, on behalf of the village people has submitted a representation on 04.02.2018, but, the second respondent has rejected the said representation by saying that already some cases have been registered under Section 302 of IPC and under SC/ST Act and hence, if the permission is granted to the petitioner that would create communal problem and also law and order problem. He further submitted that the alleged crime has been committed not in the Munneerpallam Village and that has been committed at Gopalsamuthiram Village and therefore, merely because, some cases have been registered with regard to the occurrence took place at Gopalsamuthiram Village, the second respondent should not have rejected the petitioner's request.

3. The learned Additional Government Pleader appearing for the respondents has submitted that already communal problem is there and hence, the second respondent has rightly rejected the petitioner's request.

4. The impugned order is perused. In that order, the second respondent has stated that since there were communal problems at Gopalsamuthiram and lead to murder and five cases have been registered in Munneerpallam Police Station, the petitioner's request was rejected. However, he has not stated that those offences have been committed during conducting Kabadi Tournament. Nevertheless, the alleged offences have been occurred in some other village not in the Munneerpallam village and hence, the impugned order is set aside. The second respondent is directed to consider the petitioner's request and pass orders on merits and in accordance with law and at the time of passing orders, he has to keep in mind the decision of the Hon'ble Supreme Court of India in the case of Church of God (Full Gospel) in India Vs. K.K.R, Majestic Colony Welfare Association and Ors, reported in 2001 - 1 - L.W. (Crl.) 233.

5. With the above said observations, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Thirnelveli District,

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



2.The Deputy Superintendant of Police,
Seranmahadevi Division,
Thirunelveli District.

3.The Inspector of Police,
Munneerpallam Police Station,
Thirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.S.Esakkipandi, Advocate SR.No. 47570

W.P.(MD) No.2485 of 2018

trp

JM/SKN RSK/SAR 3/06.03.2018/3P/6C