



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2018

CORAM

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.2999 of 2018

K.Vemburaj,
S/o.Krishnan,
Organizer,
Channakyan Kabadi Kazhagm,
1/30, Pillayar Kovil Street,
Vasavappapuram,
Thoothukudi.

... Petitioner

-Vs-

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

2.The Inspector of Police,
Murrappanadu Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned memo vide 02/C2PS/Memo/2018 dated 09.02.2018 issued by the second respondent and quash the same as illegal and consequently direct the second respondent to grant appropriate prior permission to conducting Kabadi Match which is scheduled to be held on 17.02.2018 at 6.00 P.M to 18.02.2018 at 07.00 P.M in Selvi Amman Kovil Thedal Vasavappapuram, Thoothukudi District.

For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.V.Anand
Government Advocate

O R D E R

This writ petition has been filed to quash the order passed by the second respondent, vide 02/C2PS/Memo/2018, dated 09.02.2018 and consequently, direct the second respondent to grant permission for conducting "Kabadi Match" on 17.02.2018 and 18.02.2018 in Selvi Amman Kovil Thedal Vasavappapuram, Thoothukudi District.

2.Heard Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.



3.The learned counsel appearing for the petitioner has submitted that every year the villagers of the petitioner's village used to conduct Kabadi Match at District level and in this year also, they have decided to conduct "Kabadi Match" on 17.02.2018 and 18.02.2018 and for that, the petitioner has submitted a petition to the second respondent seeking permission and to provide police protection. He further submitted that the respondent has passed an impugned order rejecting the petitioner's request without assigning any valid reasons. Hence, he requested this Court to quash the said order and consequently, direct the second respondent to grant permission for conducting "Kabadi Match" on the aforesaid dates.

4.The learned Government Advocate has submitted that since the law and order problem is there, the second respondent has rejected the petitioner's request and passed the impugned order.

5.The impugned order perused. In that order, the second respondent has stated that if the petitioner conducts Kabadi Match, there is a possibility of communal problem and also law and order problem, but he has not cited any specific incidents. Therefore, it appears that the second respondent has passed the said order in routine manner, without applying his mind. Hence, the said impugned order is quashed and the second respondent is directed to consider the petitioner's request and pass orders citing the specific reasons and at the time of passing order, the second respondent 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. (Cr1.) 233.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 2.The Inspector of Police,
Murrappanadu Police Station,
Thoothukudi District.

+1cc to M/S.K.P.Narayanakumar, Advocate SR.No. 48541

+1cc to Special Government Pleader, SR.No. 48989

W.P. (MD) No.2999 of 2018
14.02.2018