



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2018

CORAM:

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD)No.8383 of 2018

V.Pal Nelson

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the 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 in Na.Ka.No.203/Se.Mu/Ka.Thu.Ka.E/2018 dated 08.04.2018 and quash the same as illegal and consequently directing the respondent to grant permission and afford protection for conducting the Kabadi Tournament scheduled from 05.05.2018 at about 09.00 p.m. To 06.05.2018 at about 09.00 a.m. And for usage of mike set during the said tournament scheduled at Vadamalaisamuthiram Kamarajar Thidal, Vickramasingapuram Village, Alangulam Taluk, Tirunelveli District.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.Saravanan

Government Advocate.

O R D E R

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.203/Se.Mu/Ka.Thu.Ka.E/2018, dated 08.04.2018 and quash the same as illegal and consequently to direct the respondents to grant permission and afford protection for conducting the Kabadi Tournament scheduled from 05.05.2018 at about 09.00 p.m. to 06.05.2018 at about 09.00 a.m. and for usage of mike set during the said tournament scheduled at Vadamalaisamuthiram Kamarajar Thidal, Vickramasingapuram Village, Alangulam Taluk, Tirunelveli District.



3. The learned counsel for the petitioner submitted that the villagers jointly decided to conduct "Kabadi" tournament from 05.05.2018 at about 09.00 p.m. to 06.05.2018 at about 09.00 a.m. at Vadamalaisamuthiram Kamarajar Thidal, Vickramasingapuram Village, Alangulam Taluk, Tirunelveli District. In this connection, a representation was given to the first respondent police on 06.04.2018, with a request to grant permission to conduct the tournament on the above said date, however, the first respondent Police has rejected the said representation, by the impugned proceedings dated 08.04.2018 and hence the petitioner is before this Court with this Writ Petition. The learned counsel for the petitioner further submitted that as the Kabadi Tournament is conducted in a peaceful manner by the villagers, there will be no untoward incident by the people of the village.

4. The learned Government Advocate appearing for the respondents, on instructions, submitted that the respondents have serious objection for permitting the petitioner to conduct "Kabadi" tournament.

5. However, taking into account the serious objections of the respondent police, the impugned order passed by the first respondent, dated 08.04.2018 is set aside and the writ petition is allowed with the following direction:-

i) The second respondent/Inspector of Police, Vickramasingapuram Police Station, Tirunelveli District, is directed to reconsider the representation of the petitioner, dated 06.04.2018 and to give permission and to provide police protection for conducting "Kabadi" tournament scheduled to be held from 05.05.2018 at about 09.00 p.m. to 06.05.2018 at about 09.00 a.m. at Vadamalaisamuthiram Kamarajar Thidal, Vickramasingapuram Village, Alangulam Taluk, Tirunelveli District.

ii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

iii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity.

iv) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors and necessary medicines in the venue.

v) The participants of Kabadi tournament shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance.

vi) Songs praising communal leader or having communal overtones should not be played.

vii) The petitioner will ensure protection for public



especially women and children.

viii) There should not be any Flex Boards or hoarding representing any community or political leaders;

ix) If there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

x) Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time.

xi) the participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;

(xii) If there is any untoward incident took place, the village people and the organizers of the tournament be made responsible for the same;

(xiii) The respondent concerned is directed to issue necessary permission, incorporating the above conditions.

(xiv) The Referee must be authorized person from the District Association.

6. The second respondent is at liberty to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquillity so as to maintain law and order and communal harmony. There can be a total ban for putting up any Flex Boards representing any community. No costs.

Sd/-

Vacation officer

/True Copy/

Sub Assistant Registrar

To

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

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

+1CC to Mr.D.Venkatesh, Advocate, SR.No. 65096

+1CC to the Special Government Pleader SR.No.65120

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