



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.05.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.11163 of 2018

and

W.M.P. (MD) No.10207 of 2018

S.Poosakkani

... Petitioner

vs.

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

2.The Deputy Superintendent of Police,
Ambasamuthiram Circle,
Ambasamuthiram,
Tirunelveli District.

3.The Inspector of Police,
Kadayam Police Station,
Kadayam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the second respondent in his proceedings in Na.Ka.No.237/Se.Mu/Kaa.Thu.Ka.E/2018 dated 20.04.2018 and quash the same and consequently direct the respondents to grant permission and provide police protection to conduct the Kabadi Tournament at Pulavanoor Ponamali Nagar Playground, Pulavanoor, Tirunelveli District on 26.05.2018 at 10 p.m., to 27.05.2018 at 12.00 a.m. In accordance with law.

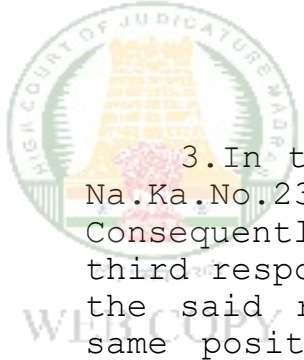
For Petitioner : Mr. P.Mahendran

For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

By consent of both the counsels, this writ petition is taken up for final disposal.

2. In my view, the reason assigned for rejecting the petitioner's request to conduct the Kabadi Tournament is not proper. On the other hand, the respondent may be given liberty to impose reasonable restriction to regulate the Tournament. It would be appropriate that the petitioner is permitted to conduct the kabadi tournament during the day light.



3. In the light of the above observation, the impugned order in Na.Ka.No.237/Se.Mu/Kaa.Thu.Ka.E/2018 dated 20.04.2018 is set aside. Consequently, the petitioner is granted liberty to approach the third respondent, seeking for necessary permission and on receipt of the said representation, the third respondent shall consider the same positively and permit the petitioner to conduct the Kabadi Tournament on any convenient day between 10 a.m., to 6 p.m.,. While considering the petitioner's request, the third respondent is at liberty to impose reasonable restrictions.

4. Accordingly, the Writ Petition is disposed of with the following directions:

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

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

iii) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue.

iv) 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.

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

vi) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed.

vii) No flex boards in support of any political party or religious leader be erected.

viii) 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;

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

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



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

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

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

5. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
2. The Deputy Superintendent of Police,
Ambasamuthiram Circle,
Ambasamuthiram,
Tirunelveli District.
3. The Inspector of Police,
Kadayam Police Station,
Kadayam,
Tirunelveli District.

+1CC to Mr.P.Mahendran Advocate in SR.No.65872.

PNN
DS/RSK-SKN/SAR-3 :23.05.2018: 3P/5C

W.P. (MD) No.11163 of 2018
16.05.2018