



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.12055 of 2018

K.M.C.Kabadi Kazhagam,
Represented by its President
S.Sankaralingam

... Petitioner

Vs.

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

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

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

... Respondents

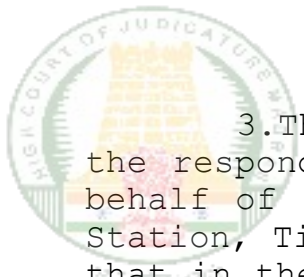
Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the second respondent by his impugned proceedings in Na.Ka.No.298/Se.Mu/Ka.Thu.Ka.E/2018 dated 28.05.2018 and quash the same and consequently direct the respondents to grant permission and protection for conduct "Kabadi Game" on 17.06.2018 at 10 a.m to 10 p.m in Kamarajar Thidal, Bramadesam, Ambasamudram Taluk, Tirunelveli District.

For Petitioner	: Mr.N.Vignesh
For Respondents	: Mr.P.Kannithevan, Additional Government Pleader.

ORDER

According to the petitioner, he has decided to conduct "Kabadi Game" on 17.06.2018 at 10.00 a.m to 10.00 p.m in Kamarajar Thidal, Bramadesam, Ambasamudram Taluk, Tirunelveli District. In this regard, the petitioner has given a representation to the third respondent, which is forwarded to the second respondent. The second respondent has rejected the same, stating that there was a dispute among two communities i.e., Thevar Community and Nadar Community. Resultingly, a criminal case has been registered in Crime No.216 of 2014 under Sections 147, 148, 341, 294(b) and 302 IPC.

2.The learned counsel appearing for the petitioner submitted that in an identical case in W.P.(MD)No.18194 of 2017 dated 22.09.2017, this Court also granted permission, by imposing certain conditions. Pursuant to the order passed by this Court, last year, the petitioner has conducted Kabadi program. Therefore, the present impugned order passed by the second respondent without providing opportunity to the petitioner, is liable to be quashed.



3.The learned Additional Government Pleader appearing for the respondents has filed a written objection before this Court on behalf of the Special Sub Inspector of Police, Ambasamudram Police Station, Tirunelveli District. It has been stated in Paragraph No.4 that in the year 2014, there is a communal clash between the Thevar Community and Nadar Community and frequently there are some caste problems arose between them. Hence, a case has been registered in Crime No.216 of 2014 under Sections 147, 148, 341, 294(b) and 302 IPC. Subsequent to the said incident, the Kabadi competition was not conducted for the last four years.

4.In a similar circumstance, this Court, by order dated 19.11.2014 made in W.P.(MD)No.18215 of 2014, granted permission by imposing certain conditions.

5.In my considered view, the respondents have not made any submissions or placed any materials before this Court that there is a likelihood for arising law and order problem in the said locality for this year. Further no opportunity has been granted to the petitioner to put forth his contention.

6.Considering the fact that no opportunity has been granted to the petitioner and taking into consideration of the orders passed in W.P.(MD)Nos.18215 of 2014 and 18194 of 2017, this Court is inclined to pass the following order:-

(i)The impugned order passed by the second respondent is quashed and the matter is remitted back to the second respondent for fresh consideration.

(ii)The petitioner is permitted to submit any materials if so before the third respondent on 15.06.2018.

(iii)The second respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law on or before 16.06.2018, by taking into consideration of the orders passed by this Court.

(iv)The second respondent shall also obtain report from the Revenue Divisional Officer, Tenkasi before passing the order.

7.With the above direction, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1. The Superintendent of Police,
Tirunelveli, Tirunelveli District.
2. The Deputy Superintendent of Police,
Ambasamudram, Tirunelveli District.
3. The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram, Tirunelveli District.
4. The Revenue Divisional Officer,
Tenkasi.

+1CC to Mr.N.Vignesh, Advocate, SR.No.68357

W.P. (MD) No.12055 of 2018
14.06.2018

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