



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD) No.14573 of 2018

M.Velmurugan

... Petitioner

Vs.

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

2.The Deputy Superintendant of Police,
Ambasamuthram,
Tirunelveli District.

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

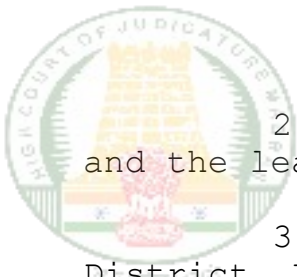
... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned memo vide Na.Ka.No.324/Se.Mu.Ka.Thu.Ka.E/2018 dated 27.06.2018 issued by the 2nd respondent and quash the same as illegal and consequently direct the 2nd and 3rd respondents to grant appropriate prior permission with necessary police protection for conducting Kabadi Match which is scheduled to be held on 28.07.2018 at about 7.00 P.M. to 29.07.2018 at 7.00 P.M. in Jeyam Garden, Mettu Thangamman Kovil Street, North Street, Vickramasingapuram, Tirunelveli District.

For Petitioner	: Mr.Pugazhendhi for Mr.K.P.Narayanakumar
For Respondents	: Mr.Karuppasamy Government Advocate

ORDER

This writ petition has been filed seeking to quash the impugned memo in Na.Ka.No.324/Se.Mu.Ka.Thu.Ka.E/2018 dated 27.06.2018 issued by the second respondent and consequently direct the respondents 2 and 3 to grant appropriate prior permission with necessary police protection for conducting Kabadi Match which is scheduled to be held on 28.07.2018 at about 7.00 P.M. to 29.07.2018 at 7.00 P.M. in Jeyam Garden, Mettu Thangamman Kovil Street, North Street, Vickramasingapuram, Tirunelveli District.



2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. According to the petitioner, the petitioner is conducting District Level Kabadi Match every year in his village viz., Vickramasingapuram, Tirunelveli District without any disturbance in the locality and the kabadi match is being conducted in a peaceful manner with the participation of the entire public without any discrimination of religion, caste or class. It is also a social gathering of villagers, which develop a healthy relationship among the general public. This year, the petitioner has organised to conduct the kabadi tournament on 28.07.2018 and 29.07.2018 and hence, he has given a representation dated 24.06.2018 to the third respondent and the same was forwarded to the second respondent. The second respondent has passed the impugned order, rejecting to grant permission to the petitioner. Challenging the same, this petition has been filed.

4. The third respondent has filed a counter affidavit stating that earlier occasions there was a communal clash between several communities and the main objection of the third respondent is that the players who are participating in the match used to wear colour banians, indicating the caste, community and religion names, which would create law and order problem and affect the public peace and tranquillity in the locality. Hence, the second respondent has rightly passed the impugned order and the same is not liable to be quashed.

5. In reply to the said submission, the learned counsel appearing for the petitioner, on instructions, submitted that the petitioner will file an undertaking affidavit before the authority concerned stating that they will not create any law and order problem during tournament and the players will not wear objectionable banians as stated in the counter affidavit. The learned counsel further submitted that in the event of granting permission to the petitioner, they will abide by all the conditions to be imposed by the authority concerned.

6. In view of the abovesaid undertaking given by the learned counsel appearing for the petitioner and also taking note of the fact that no opportunity has been given to the petitioner before passing the impugned order, this Court is inclined to quash the impugned order and to pass the following order:

(i) The impugned order passed by the second respondent dated 27.06.2018 is quashed.

(ii) The petitioner is directed to file an undertaking affidavit before the second respondent as stated above on or before 27.07.2018.

(iii) On filing such undertaking affidavit, the second respondent shall consider the petitioner's representation afresh and pass appropriate orders on merits



and in accordance with law on or before 28.07.2018 by giving an opportunity of hearing to the petitioner.

7.The writ petition is ordered accordingly.

WEB COPY

/True Copy/

Sd/-

Assistant Registrar (AD-II)

Sub Assistant Registrar(CS-IV)

To

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendant of Police,
Ambasamuthram,
Tirunelveli District.
- 3.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.

+1CC to Mr.K.P.Narayanakumar Advocate in SR.No.75224.

MJ

DS/MMS/SAR-4 :27.07.2018: 3P/5C

W.P. (MD) No.14573 of 2018
27.07.2018