



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2018

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.(MD) No.14799 of 2018

Pauldurai

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Cheranmahadevi Division, Tirunelveli District.

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

...Respondents

Writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the rejection impugned order in Na.Ka.No.180/Se.Mu.AA/U.Ka.K/Cherai/2018 passed by the second respondent dated 28.06.2018 and quash the same and consequently direct the respondents to grant permission to conduct Minnoli kabadi tournament scheduled to be held from 13.07.2018 and 14.07.2018 Tamilakurichi Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.M.Karuppasamy,
Government Advocate.

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who takes notice on behalf of the respondents.

2.According to the petitioner, he made a representation dated 22.06.2018 to the respondents, seeking permission to conduct Minnoli kabadi tournament scheduled to be held from 13.07.2018 and 14.07.2018 Tamilakurichi Village, Palayamkottai Taluk, Tirunelveli District. But, the same has been rejected, by the order dated 28.06.2018 by the second respondent, without giving opportunity to the petitioner to place the materials that there is no likelihood of law and order problem or any communal clash in the said village.

3.The learned Government Advocate appearing for the respondents would submit that the participants have printed their



community name and flag in their T-shirts. Hence, the respondents anticipate that if permission is granted to conduct kabadi tournament, it will cause communal clash and law and problem in the said village. Therefore, the representation of the petitioner is rejected.

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4.Today, when the matter is taken up for hearing, written objection has been filed before this Court on behalf of the Sub-Inspector of Police, Munnirpallam Police Station, Tirunelveli District, in which it has been stated that in the very same village, various criminal cases have been registered in Crime Nos.168 of 2013, 485 of 2013, 240 of 2014, 118 of 2013 and 150 of 2014 on the file of the respondent police in connection with communal clash between two groups.

5.In reply, the learned counsel appearing for the petitioner undertakes that the participant will not use the aforesaid objectionable T-shirts during the tournament. He further submitted that in this regard, if any conditions would be imposed, the petitioner shall strictly comply with the conditions and to that extent, an undertaking affidavit would be filed by the petitioner before the respondents, stating that if there is any violation of the said conditions, it is free to take action against the violators and also stop the programme.

6.Considering the above circumstances, this Court is of the view that the impugned order has been passed without providing opportunity to the petitioners. Therefore, the impugned order of the second respondent is liable to be quashed, accordingly, it is quashed and the same is remitted to the second respondent to consider the petitioner's representation dated 22.06.2018 afresh, by considering the prevailing situation at the village, on merits and in accordance with law, after providing opportunities to the parties concerned on or before 14.07.2018 at 12.00 P.M.

7.With the above direction, this writ petition is allowed.
No costs.

Sd/-

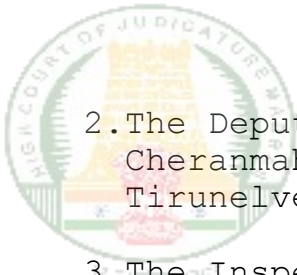
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District.



2.The Deputy Superintendent of Police,
Cheranmahadevi Division,
Tirunelveli District.

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

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.C.K.M.Appaji, Advocate in SR.No.72678.

MYR

DS/SV/SAR-1 :13.07.2018: 3P/6C

W.P. (MD) No.14799 of 2018
12.07.2018