



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2018

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P.(MD)No.24927 of 2018

D.Joeshva

... Petitioner

Vs.

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

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

... Respondents

**PRAYER:-** Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to permit the petitioner to conduct sports events and cultural events respectively in between 8.00 a.m to 7.00 p.m and 7.00 p.m to 10.00 p.m on 01.01.2019 at Melapaththai Village, Kalakadu, Tirunelveli District.

For Petitioner : Mr.V.Angusamy  
For Respondents : Mr.R.Anandaraj  
Addl. Public Prosecutor

#### ORDER

This writ petition has been filed directing Writ of Mandamus directing the respondents to permit the petitioner to conduct sports events and cultural events respectively in between 8.00 a.m to 7.00 p.m and 7.00 p.m to 10.00 p.m on 01.01.2019 at Melapaththai Village, Kalakadu, Tirunelveli District.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. As far as Sports events are concerned, the learned Additional Public Prosecutor appearing for the respondents submits that the police does not have any reservations on the place, where the sports events is to be conducted. However, there is an apprehension that some law and order problem may arise during the tournament. Further, he would submit the time sought for by the



petitioner to conduct the tournament is very long, therefore, it has to be restricted.

4. The apprehension of the respondents is taken note of. The respondents police are directed to grant permission for conducting the sports events by enclosing the following conditions:

i) The sports events should be completed within the time frame fixed by the respondent police;

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 in the venue;

v) The participants of sports events 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 that no flex board or hoardings depicting particular community or leader will be displayed;

viii) There should not be any Flex Boards 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 sports events, if it exceeds beyond the permitted time;

xi) the participants of the sports events 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 sports events be made responsible for the same;

xiii) The Referee must be authorized person from the District Association; and

xiv) 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.

5. As far as cultural events is concerned, the second respondent is directed to give permission and to provide police protection for Cultural events scheduled to be held on 01.01.2019, subject to the following conditions;

(a) Cultural events scheduled to be held on 01.01.2019, should be completed before 11.00 p.m..

(b) There should not be any kind of obscene dance or vulgar dialogues during the performance, by anyone of the participants.

(c) Double meaning songs should not be played as they will

spoil the minds of students and youths.

(d) No dance or songs, touching upon any political party or religion or community or caste shall be played.

(e) No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.

(f) The function shall not affect either religious or communal harmony and shall be conducted without any discrimination based on caste.

(g) If there is 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 forthwith; and

(h) Similarly, the police is directed to stop the dance programme, if it is conducted beyond the permitted time limit.

(i) The petitioner as well as the organizers shall give a letter of undertaking agreeing to strictly adhere to the above conditions.

6. It is open to the second respondent police to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community.

7. The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the tournament.

8. In the result, the writ petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar (CS-I)

To

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

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

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

• 1 CC TO Mr. V. ANGUSAMY, ADVOCATE IN SR No. 101171.

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• CM