

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2019

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. No.16600 of 2019
and W.M.P.Nos.16234 & 16240 of 2019

S.Arumugam

... Petitioner

Vs.

1. The Senior Superintendent of Police,
Puducherry.
2. The Superintendent of Police,
Puducherry.
3. The Inspector of Police,
Villianur Circle,
Puducherry.
4. The Sub-Inspector of Police,
Villianur Circle,
Puducherry.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 1st respondent made in his proceedings No.563/SSP(L&O)-LSP/2019 dated 12.06.2019 and quash the same and consequently directed the respondents to provide adequate police protection to the petitioner to peacefully conduct the 46th State Kabadi Championship 2019-2020 on 14, 15 and 16th June 2019 at New Horizon Sugar Mills, Thidal, Ariyur, Villianur Communune, Puducherry, as per the order of 1st respondent dated 05.06.2019 in No.559/SSP (L&O)-LSP/2019.

For Petitioner : Mr. S.Silambanan
Senior counsel for
Mr.R.Kamesh Kumar

For Respondents : Mr.Barathachakravathy
Public Prosecutor (Puducherry)

ORDER

This writ petition has been filed challenging the proceedings of the first respondent dated 12.06.2019, cancelling the permission granted to the petitioner to conduct the 'Kabadi Tournament' on 14.06.2019, 15.06.2019 and 16.06.2019.

2. It is the case of the petitioner that the petitioner is running a club in the name and style of 'Dhanasekaran Sports Club'. This club is claimed to be affiliated to the Kabadi Federation of India and the Pondicherry Olympic Association. It is the further claim of the petitioner that it is also a member of the Pondicherry State Sports Council and the parent body has been conducting the Sports event for the last 46 years.

3. The club belonging to the petitioner sought permission from the parent body to conduct Kabadi Tournament for the year 2019-2020 and the parent body of the Kabadi Association by letter dated 02.06.2019, permitted the club to conduct the Kabadi Tournament on 14.06.2019, 15.06.2019 and 16.06.2019. Based on the said permission, the petitioner applied for police permission/protection to the first respondent and the first respondent had forwarded the letter to the second respondent, who in turn forwarded it to the third and fourth respondent and the fourth respondent by letter dated 04.06.2019 recommended that permission can be granted for conducting the Kabadi Tournament. Thereafter, the first respondent passed an order dated 05.06.2019 permitting the petitioner to conduct the Kabadi Tournament on 14.06.2019, 15.06.2019 and 16.06.2019, subject to certain conditions. This order has subsequently been cancelled by the impugned proceedings dated 12.06.2019 and the same is now the subject matter of the challenge in the present writ petition. सत्यमेव जयते

4. Mr.S.Silambanan, learned Senior Counsel appearing on behalf of the petitioner submitted that the impugned proceedings is liable to be set aside on the simple ground that it is totally in violation of principles of natural justice. The learned Senior Counsel submitted that when permission has been given to the petitioner club and all arrangements have been made wherein, 152 teams are going to participate, the first respondent cannot pass an order cancelling the permission behind the back of the petitioner and therefore, the impugned proceedings requires interference by this Court.

5. Mr.Barathachakravathy, learned Public Prosecutor, appearing on behalf of the respondent submitted that it is true that the petitioner was granted permission by the first respondent by his order dated 05.06.2019. However, subsequently certain rival claimants started making representations and therefore it was thought fit that the permission should be revoked and the parties should be made to first establish their right to conduct the tournament and thereafter to grant permission to the recognized party. The learned public prosecutor further submitted that the issue has also taken the colour of caste and therefore there is also a possibility that it will unnecessarily lead to a law and order problem and thereby cause disruption to the public order. The learned public prosecutor submitted that taking into consideration the seriousness of the situation, the first respondent cancelled the permission through the impugned proceedings and the same does not require interference by this Court.

6. This Court considered the submissions made on either side and materials placed on records.

7. The facts narrated herein above makes it clear that the petitioner had got the permission of the parent body and the concerned Kabadi Association and had submitted the said permission before the first respondent, while seeking for the police permission and protection. This in turn was scrutinized by the second respondent, third respondent and the fourth respondent and based on the note forwarded by the fourth respondent, the first respondent had granted permission, by order dated 05.06.2019, to conduct the Kabadi Tournament on 14.06.2019, 15.06.2019 and 16.06.2019, subject to certain conditions.

8. If at all there was any objection, the minimum that the first respondent should have done was to have issued notice to the petitioner and called for an enquiry and thereafter should have taken a decision. The petitioner has now made all the arrangements for the tournament in which 152 teams are participating. When such large arrangements are being made, abruptly cancelling the tournament will cause hardship not only to the petitioner club, but it will also be disheartening to the players who have prepared themselves for the tournament and it will also cause unnecessary law and order problem in the venue.

9. If there is a rival claim by any other club, they should have approached the appropriate authority to establish their claim and thereafter should have approached the first respondent. The first respondent is not the competent authority to decide the fact as to which club will

conduct the Kabadi tournament. The first respondent had before him a proper permission given by the parent body and Kabadi Association. Till such permission is in force, just because some rival party objects for the conduct of the Kabadi tournament, the first respondent should not have taken just a hasty decision of cancelling the tournament without understanding the consequences.

10. This Court has no hesitation to interfere with the impugned proceedings of the first respondent dated 12.06.2019 and the same is hereby set aside. The petitioner is permitted to conduct the tournament as per the earlier order dated 05.06.2019, subject to the same conditions. It is made clear that this order confines itself only to the conduct of the Kabadi tournament on 14.06.2019, 15.06.2019 and 16.06.2019, and it will not have any bearing on the claims made by the rival parties and the same has to be independently agitated before the appropriate forum.

11. In the result, this writ petition is allowed and the impugned proceedings of the first respondent dated 12.06.2019 is hereby set aside and the petitioner is entitled to conduct the Kabadi tournament as per the earlier order passed by the first respondent dated 05.06.2019, subject to the same conditions and the third and fourth respondents shall provide adequate police protection and ensure that the tournament is conducted in a peaceful manner without giving rise to any law and order problem. The police protection shall be granted subject to the payment of necessary charges to the police by the petitioner. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Senior Superintendent of Police,
Puducherry.
2. The Superintendent of Police,
Puducherry.

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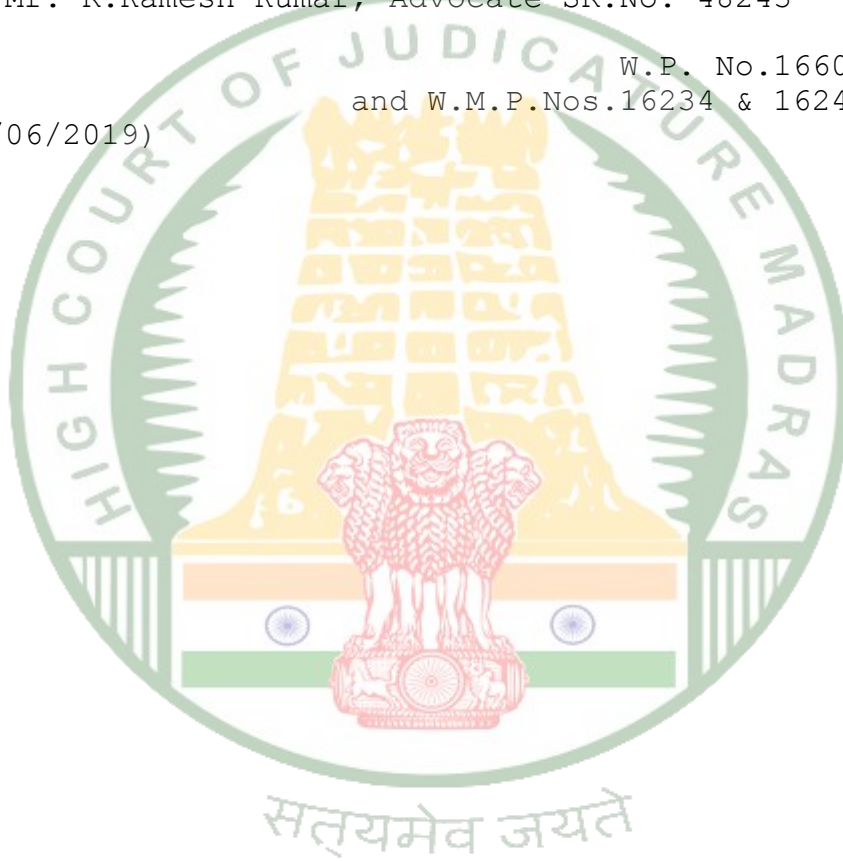
3. The Inspector of Police,
Villianur Circle,
Puducherry.

4. The Sub-Inspector of Police,
Villianur Circle,
Puducherry.

5. The Public Prosecutor,
Puducherry.

+1cc to Mr. R.Kamesh Kumar, Advocate SR.No. 48243

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A.SK(13/06/2019)



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