



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2019

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THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P. (MD) No.11598 of 2019

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... Petitioner

Vs.

State rep by its

1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.2.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent to grant permission and accord protection for conducting the Kabadi Tournament scheduled for on 11.05.2019 at 08.00 a.m., to 12.05.2019 at 10.00 pm., going to held in Amman Kovil Ground, Sri Renganarayanapuram, Koodankulam, Tirunelveli District and grant permission and production to conduct Nagaisuvai Thiraiesai Pattimandram scheduled on 18.05.2019 at 07.00 p.m., to 01.00 a.m., and Thiraipada Mellieasi Katcheri scheduled on 19.05.2019.

For Petitioner : Mr.C.Susi Kumar

For Respondents : Mrs.S.Bharathi

Government Advocate (Crl.Side)

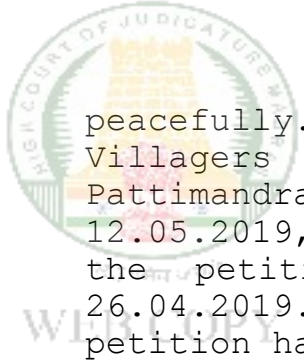
ORDER

This writ petition has been filed to direct the second respondent to grant permission and accord protection for conducting the Kabadi Tournament scheduled for on 11.05.2019 at 08.00 a.m., to 12.05.2019 at 10.00 pm., going to held in Amman Kovil Ground, Sri Renganarayanapuram, Koodankulam, Tirunelveli District and grant permission and production to conduct Nagaisuvai Thiraiesai Pattimandram scheduled on 18.05.2019 at 07.00 p.m., to 01.00 a.m., and Thiraipada Mellieasi Katcheri scheduled on 19.05.2019.

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

<https://hcservices.ecourts.gov.in/hcservices/>

3. The learned counsel for the petitioner would submit that the Villagers have conducted the Chithirai Thiruvizha every year



peacefully. As per the tradition and customs, this year also the Villagers have planned to conduct Kabadi, Nagaisuvai Thiraiesai Pattimandram and Thiraipada Mellieasi Katcheri on 11.05.2019, 12.05.2019, 18.05.2019 and 19.05.2019, respectively. In this regard, the petitioner gave a representation to the respondents on 26.04.2019. Since no action has been taken, the present writ petition has been filed.

4. The learned Government Advocate (Crl. Side) appearing for the respondents, on instructions, would submit that the respondents have no serious objection. She further submitted that permission may be granted subject to stringent conditions.

5. Considering the facts and circumstances of the case, this Court grants permission to conduct Kabadi on 11.05.2019 and 12.05.2019 with the following directions:

i) The Kabadi tournament 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 "Kabadi" tournament 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 Kabadi tournament, if it exceeds beyond the permitted time;

xi) the participants of the tournament 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 tournament 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.

xv) In any event, Kabadi Tournament will be conducted only on 11.05.2019 and 12.05.2019.

and to conduct Nagaisuvai Thiraiesai Pattimandram and Thiraipada Mellieasi Katcheri on 18.05.2019 and 19.05.2019, respectively with the following directions:

The second respondent / Inspector of Police, Koodankulam Police Station, Tirunelveli District, is directed to consider the representation of the petitioner, dated 26.04.2019 and to give permission and to provide police protection for Nagaisuvai Thiraiesai Pattimandram and Thiraipada Mellieasi Katcheri programme, in the Chirthirai festival of Arulmigu Sri Mutharamman Temple at Srirenganarayapuram, Koodankulam, Tirunelveli District, scheduled to be held on 18.05.2019 and 19.05.2019 subject to the following conditions:-

(a) Nagaisuvai Thiraiesai Pattimandram and Thiraipada Mellieasi Katcheri done in Arulmigu Sri Mutharamman Temple at Srirenganarayapuram, Koodankulam, Tirunelveli District,, scheduled to be held on 18.05.2019 and 19.05.2019, 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) No price shall be given in the name of any political party or in the name of any Member associated with any political party.

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

h) If there is violation of any one of the conditions imposed by the concerned police officer is at liberty to take necessary action, as per law and stop such performance forthwith; and



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

j) 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. With the above direction this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(V.O)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

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

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-65481[F] dated 09/05/2019)

Order made in
W.P. (MD) No.11598 of 2019
08.05.2019

CS (KM) : 10/05/2019/4P/5C