

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 27.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE **V. BHARATHIDASAN****W.P. (MD) No. 14340 of 2019**

M.Poolpandi

... Petitioner

Vs.

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

2. The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the second respondent dated Nil and quash the same and consequently direct the respondents to grant permission and protection for Kabadi Tournament scheduled to be held on 29.06.2019 and 30.06.2019 between 06.00 p.m. and 10.00 p.m. (next day ie., 30.06.2019) at Ananthanambikurichi Village, Manakkari, Thoothukudi District, by considering the petitioner's representation, dated 20.06.2019.

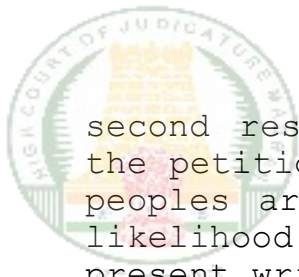
For Petitioner : Mr.R.Krishnan
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent refusing to grant permission to the petitioner to conduct Kabadi Tournament on 29.06.2019 and 30.06.2019 between 06.00 p.m. and 10.00 p.m. at Ananthanambikurichi Village, Manakkari, Thoothukudi District.

2. Heard both sides.

3. The grievance of the petitioner is that his villagers have been refused to conduct Kabadi Tournament at Ananthanambikurichi Village, Manakkari, Thoothukudi District on 29.06.2019 and 30.06.2019 between 06.00 p.m. and 10.00 p.m., and they have sought permission to the



second respondent police. Now, the second respondent has rejected the petitioner's representation stating that since various community peoples are expected to participate in the Tournament, there is a likelihood of law and order problem. Challenging the same, the present writ petition has been filed.

WEB COPY

4. The learned counsel for the petitioner would submit that absolutely there is no law and order problem in that area and only on apprehension, the second respondent has refused to grant permission.

5. In the very same circumstances, similar order passed by the very same second respondent police refusing to grant permission to conduct Kabadi Tournament in the nearby Murappanadu Village, this Court, by an order dated 14.02.2019 in W.P.(MD).No.3079 of 2019, set aside the order passed by the second respondent and granted permission to the petitioner to conduct Kabadi Tournament and the learned counsel for the petitioner has also produced the copy of the order.

6. The learned Government Advocate (Crl.side) on instructions would submit that since various community peoples are expected to participate in the Kabadi Tournament, tension prevails in that area and there is a likelihood of law and order problem. In the circumstances, the petitioner's representation was rejected by the second respondent.

7. On perusal of the order passed by the second respondent, it is only stated that all community peoples are likely to participate in the Kabadi Tournament and they are likely to pass residential area of other community people, and there is a likelihood of law and order problem. It is only mere apprehension of the second respondent, and there is no substantial material available to show that there is a communal problem in that area. In similar circumstances, this Court already granted permission to conduct the Kabadi Tournament in W.P.(MD).No.3079 of 2019. Hence, this Court is inclined to set aside the order passed by the second respondent. Accordingly, the order passed by the second respondent is set aside and the writ petition is allowed and the second respondent is directed to grant permission to the petitioner to conduct Kabadi Tournament at Ananthanambikurichi Village, Manakkari, Thoothukudi District, scheduled to be held on 29.06.2019 and 30.06.2019 between 06.00 p.m. and 10.00 p.m. by duly incorporating the following conditions:

i) The Kabadi tournament done by the petitioner scheduled to be held on 29.06.2019 and 30.06.2019, should be completed between 06.00 p.m. and 10.00 p.m.;

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 between 06.00 p.m. and 10.00 p.m. on 29.06.2019 and 30.06.2019.

8. The learned counsel appearing for the petitioner on instructions undertakes that the petitioner will take responsibility for the peaceful conduct of the entire Kabadi Tournament. He is directed to give necessary undertaking to the respondent police in this regard.

9. No costs

Sd/-

Assistant Registrar (Records)

// True Copy //



To

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

2. The Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.

+1cc to Mr.R.KRISHNAN, Advocate, SR.No. 72063

Order made in
W.P. (MD) No.14340 of 2019
Dated: **27.06.2019**

AKV
KK/SAR/28.06.2019/4P-4C