



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

W.P.[MD].No.7049 of 2019

Murugesan

: Petitioner

Vs.

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

2.The Inspector of Police,
Keeranur Police Station,
Pudukottai District.

3.The Director General of Police,
Kamarajar Salai,
Chennai.

: Respondents

(R3 is *suo motu* impleaded as third respondent as per order of this Court)

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to grant permission and to provide police protection to conduct the Kabadi Competition on 29.03.2019 & 30.03.2019 from 6.00 am to 10.00 p.m. in pursuant to the 30th Year Sri Muthumariyamman Thirukoil Ther Thiruvizha, situated Puthukudiyanpatti Village, Kulathur Taluk, Pudukkottai District, by considering the petitioners representation dated 22.03.2019.

For Petitioner : Mrs.Prabha
for M/s.D.Rameshkumar

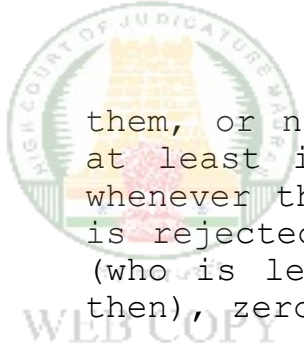
For Respondents : Mrs.S.Bharathi
Government Advocate (Crl.Side)

O R D E R

In the present petition, the petitioner seeks a direction to the second respondent to grant him permission to conduct the Kabaddi Tournament on 29.03.2019 ad 30.03.2019.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the State.

3.1 It has become a recurring feature in this court that citizens throng it for directing the police officials to grant them permission to hold meetings and demonstrations - political, apolitical and religious, organize rallies and processions, conduct festivals and cultural programmes associated therewith or any sport activity, and the list could be long. Except on rare instances, there is hardly any objections to any of them. And, this Court in the earlier years have formulated a set of directions that should govern holding of these events, something which the Executive ought to do, yet the Police personnel either not appeared to have followed



them, or not willing to take the responsibility of following them, at least in this part of the State. The second aspect is that whenever the request for permission for holding any of these events is rejected, it is done in the eleventh hour, granting the citizen (who is left to believe that the permission might be granted till then), zero time to reorganize themselves.

3.2 A pattern has set in, and is allowed to be sustained: Refrain from acting on any request for permission for any events, drive the organisers of the events to rush to the Court to seek a direction. The Hon'ble Inspector of Police will take a decision, only if there is an Order of this Court directing him to do what he is under a responsibility or duty to do.

3.3 Proceedings such as these, which hardly decide any substantial right of the litigants clog the Courts, and drain its limited time. Is this the job of a Constitutional court, burdened already adequately with causes that cries for judicial intervention? Does it not mean that the present system attempts to divert the precious judicial time on things that are easily avoidable.

4. This Court has identified few aspects, (which are already broadly indicated above) that has led to the ongoing practise and they are bullet-pointed:

- The organisers of the events themselves approaching the Authorities concerned for permission belatedly.
- That even where the requests are made, and adequate time is granted to the Authorities, to consider the same, they not deciding them within a reasonable time.
- The authorities concerned taking an adverse decision not to grant permission in the final hour.

4.1 As all the three scenario ultimately become a cause for burdening the Court, it is felt necessary that this Court formulate some guidelines for evolving a self-driven or self-operating mechanism, with a view to save judicial time in dealing with issues such as these. Therefore, this Court now **suo motu impleads the Director General of Police as the third respondent** in this case.

5. Turning to the merits of the case, this Court directs the second respondent police to consider the representation of the petitioner dated 22.03.2019 and dispose of the same enclosing the following conditions:

- The Kabadi tournament scheduled to be held on 29.03.2019 and 30.03.2019, should be completed between 06.00 to 09.00 a.m. in the morning and 04.00 to 10.00 p.m. in the evening;

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

- The petitioner and other participants shall not shout, raise



any slogan for or against any party or party leader, any caste, community or creed;

- The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity;
- The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue;
- 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;
- Songs praising communal leader or having communal overtones should not be played;
- The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed;
- There should not be any Flex Boards representing any community or political leaders;
- the participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;
- If there is any untoward incident took place, the village people and the organizers of the tournament be made responsible for the same;
- The Referee must be authorized person from the District Association; and
- No flex boards in support of any political party or communal leader, shall be erected at the premises of the programme.
- No donation shall be received from any political party or in the name of any Member associated with any political party.
- No price shall be given in the name of any political party or in the name of any Member associated with any political party.
- No speeches supporting or opposing any political party shall be made. No symbol of any political party or picture of any person affiliated in the political party shall be used.
- The function will be conducted in the spirit of function and there will not be a bogey for political parties for the general election, 2019.
- *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;*



- Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time;
- 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 and;
- (t) In any event, Kabadi Tournament will be conducted only between 06.00 to 09.00 a.m. in the morning and 04.00 to 10.00 p.m. in the evening on 29.03.2019 and 30.03.2019.

6.1 The third respondent is now required to formulate the guidelines indicating the:

- a) The minimum time within which request for permission for conducting an event must be made. Different time may be prescribed for different categories of events;
- b) The time within which the Inspector of Police should decide and communicate his decision;
- c) Feasibility of presuming deemed permission where no decision is taken within the time stipulated.

7. So far as the main prayer in this Writ Petition is concerned, the Writ petition is allowed subject to the conditions in paragraph No.5 above. No costs.

8. The Registry is directed to post this matter on 04.04.2019 for reporting compliance of the direction given to the third respondent.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-IV)

To,

1. The Superintendent of Police,
Pudukottai District, Pudukottai.
2. The Inspector of Police,
Keeranur Police Station, Pudukottai District
3. The Director General of Police,
Kamarajar Salai, Chennai.

Copy To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
+1cc to M/s.D.Rameshkumar, Advocate, SR.No.56773

W.P.[MD].No.7049 of 2019
26.03.2019