



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) Nos.16432 & 16224 of 2019

WEB COPY

W.P. (MD) .No.16432 of 2019

K.M.C.Kabadi Kazhagam

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Ambasamudram, Tirunelveli District.

3. The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram, Tirunelveli 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 of the second respondent by his impugned proceedings in Na.Ka.No.160/Se.Mu/Ka.Thu.Ka.E/2019 dt.13.07.2019 and quash the same and consequently direct the respondents to grant permission and protection for conduct Kabadi Game on 18.8.2019 at 10 am to 10 pm in Kamarajar Thidal, Bramadesam, Ambasamudram Taluk, Tirunelveli District.

For Petitioner : Mr.P.P.Alwin Balan

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

W.P. (MD) .No.16224 of 2019

M.Velmurugan

... Petitioner

Vs.

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

2. The Deputy Superintendent of Police,
Ambasamudram, Tirunelveli District.



3. The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli 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, Calling for the records pertaining to the impugned order vide Na.Ka.No.151/Se.Mu/Ka.Thu.Ka.E/ 2019, dated 07.07.2019, issued by the second respondent and quash the same as illegal and consequently direct the second and third respondents to grant appropriate prior permission with necessary Police protection for conducting Kabadi Match which is scheduled to be held on 27.07.2019 and 28.07.2019 in Seanaitalaivar Higher Secondary School Ground, Vickramasingapuram, Tirunelveli District.

For Petitioner : Mr.K.P.Narayana Kumar
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.side)

COMMON ORDER

These Writ Petitions have been filed challenging the orders passed by the Deputy Superintendent of Police, Ambasmutharam, Tirunelveli District, the second respondent herein, rejecting the petitioners' request to give permission to conduct Kabaddi Tournament in the respective Villages.

2. The grievance of the petitioners is that, both the petitioners are intended to conduct the Kabaddi Tournament in the respective Villages. But the second respondent rejected their representations on the ground that there is a law and order problem in that areas and an order under Section 30 (2) of the Police Act is also in force. Furthermore, the petitioner in W.P.(MD).No.16224 of 2019 wants to conduct the Kabaddi Tournament during night hours. As there is a likelihood of communal clash in that area, the request made by the petitioner therein was rejected by the second respondent Police. Hence, the present Writ Petitions have been filed.

3.Today, when the Writ Petitions were taken up for hearing, the learned Government Advocate (Criminal side) appearing for the respondents, on instructions, submitted that there is a likelihood of communal clash in conducting the Kabadi Tournament during night hours. Apart from that, the order under Section 30 (2) of the Police Act is also in force in the above said villages. In the above circumstances, the request of the petitioners has been rejected by the second respondent Police.

4.Now, the learned counsel appearing for the petitioner in W.P. (MD)No.16224 of 2019 submitted that the petitioner and his villagers are willing to conduct the Kabadi Tournament during "day time" instead of "night time" and further, submitted that they are conducting the kabadi tournament for the past several years without any law and order problem.



5. Considering the above circumstances and also considering the fact that the petitioners and their village people are conducting the Kabadi Tournament for several years continuously without any law and order problem, now the petitioner in W.P.(MD)No.16224 of 2019 is willing to conduct the kabadi tournament during day time, the petitioners are directed to file a fresh application before the second and third respondents seeking permission for conducting Kabadi tournament during day time forthwith and if any such representation is filed, the second and third respondents are directed to consider the same and grant permission to conduct the kabadi tournament during day time, by imposing necessary conditions, in order to maintain law and order.

6. The Writ Petitions are ordered accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Superintendent of Police,
Tirunelveli, Tirunelveli District.
2. The Deputy Superintendent of Police,
Ambasamudram, Tirunelveli District.
3. The Inspector of Police,
Ambasamudram Police Station,
Ambasamudram, Tirunelveli District.
4. The Inspector of Police,
Vickramsingapuram Police Station,
Tirunelveli District.

+1 CC to Mr.N.VIGNESH, Advocate (SR-78016[F] dated 26/07/2019)
+1 CC to MR.K.P.NARAYANAKUMAR, Advocate (SR-78081[F] dated
26/07/2019)
+1 CC to MR.A.RAHUL, Advocate (SR-78659[F] dated 30/07/2019)

Common Order made in
W.P. (MD) Nos.16432 & 16224 of 2019

Dated:26.07.2019