



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.11.2019

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD)No.23103 of 2019

A.Ajithkumar

.. Petitioner

Vs.

1.The Superintendent of Police,
Subramaniyapuram,
Trichy District.

2.The Inspector of Police,
Thottiyam Police Station,
Thottiyam Taluk,
Trichy District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus directing the respondents to grant permission and police protection to conduct Kabadi Tournament by Thalaivas Sports Club with Ameture Kabadi Club at Vanapattarai Sports Ground, Thottiyam Taluk, Trichy District, which is scheduled on 09.11.2019 at about 11.30 pm to 10.11.2019 at about 11.30 p by considering the petitioner's representation dated 23.10.2019.

For Petitioner : Mr.K.A.S.Prabhu

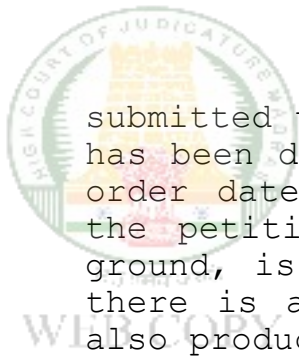
For Respondents : Mr.R.Anandaraj
Additional Public Prosecutor

ORDER

This Writ Petition is filed by the petitioner seeking issuance of a Writ of Mandamus directing the respondents to grant permission and police protection to conduct Kabadi Tournament by Thalaivas Sports Club with Ameture Kabadi Club at Vanapattarai Sports Ground, Thottiyam Taluk, Trichy District, from 09.11.2019 to 10.11.2019 at about 11.30 pm, by considering his representation dated 23.10.2019.

2. According to the petitioner, in order to promote sports in their village, for the first time, they are conducting Kabadi Tournament from 09.11.2019 and on behalf of the villagers, the petitioner has made a representation on 23.10.2019, seeking permission. Alleging that the respondents have not acted upon the same, the petitioner has filed the present writ petition.

3. Per contra, the learned Additional Public Prosecutor



submitted that the representation of the petitioner dated 23.10.2019 has been duly considered and rejected by the second respondent vide order dated 25.10.2019, on the grounds that the place proposed by the petitioner for conducting the tournament, ie., Vanaparaipatti ground, is not sufficient to conduct the tournament and that apart, there is a possibility of a communal clash in that area. He has also produced a copy of the order passed by the second respondent in Na.Ka.No.509/Kaa.Aa.Tho.Va./2019, dated 25.10.2019.

4. A perusal of the order dated 25.10.2019 would show that earlier in the year 2019, a Kabadi tournament was conducted in the village, during which, a clash broke out and a case was registered in Crime No.86 of 2019, for the offence under Sections 147, 148, 294 (b), 324, 307 IPC r/w 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST (POA) Act. According to the learned Additional Public Prosecutor, the petitioner, without challenging the order dated 25.10.2019 rejecting their plea, has filed the present writ petition and therefore, the same is not at all maintainable.

5. However, the learned Counsel for the petitioner submitted that though they made a representation on 23.10.2019, till the filing of the writ petition, no order has not been passed and only to defeat this writ petition, they have passed a post dated rejection order. According to the learned Counsel for the petitioner, this writ petition was filed on 31.10.2019 and on knowing the same, the second respondent has passed the order as if the representation was duly considered and rejected as early as on 25.10.2019. In fact, this order dated 25.10.2019 was served upon them only on 03.11.2019.

6. Heard the rival submissions made by the learned Counsel appearing on either side and perused the documents placed on record.

7. Though an endorsement 'நகலை பெற்று கொண்டேன்' was made by the petitioner in the orders of the second respondent dated 25.10.2019, rejecting the representation of the petitioner dated 23.10.2019, there is no proof as to the date on which it was served upon the petitioner. But the fact remains that the petitioner, after submitting a representation on 23.10.2019, has approached this Court by way of this writ petition.

8. The Director General of Police, Tamil Nadu, vide proceedings in Rc.No.007301/Genl.I(1)/2019, dated 09.04.2019, has issued a Circular, prescribing certain conditions for cultural programmes, sports events, procession / meeting, and for better appreciation, the relevant portion regarding sports events is extracted hereunder:

"II. For Sports Events:

- i) The Organizers shall have to make an application for permission with all the details such as name, address and other particulars of the organisers 15 days prior to the date of the proposed event.*



ii) The authority concerned shall dispose of the application within a week from the date of receipt of such application.

iii) In case of rejection of application for any ground, the applicant shall be afforded with an opportunity of hearing in person before such order of rejection.

iv) In case of permission to conduct the event, the following conditions shall be stipulated:-

1. The tournament scheduled to be held should be completed within the time specified by the SHO according to the tournament;

2. The organisers and other participants shall not shout, raise any slogan for or against any caste, community or creed;

4. The organisers shall ensure that no untoward incident is caused disturbing the public peace and tranquillity;

5. The participant shall not wear any form of dress showing offending slogans or picture of any communal / caste leader which may cause disturbance;

6. Songs praising communal, caste leader should not be played;

7. The organisers will ensure that no flex board or hoardings depicting particular caste, community or political leader will be displayed;

8. The participants of the tournament shall not consume any kind of intoxicating substance or liquor during the tournament;

9. If there is any untoward incident, the organisers of the tournament be made responsible for the same;

10. Organisers shall not erect any digital banners / placards on either side of the arterial roads, platforms, walkways / major roads and any other roads.

11. The function will be conducted in the spirit of game.

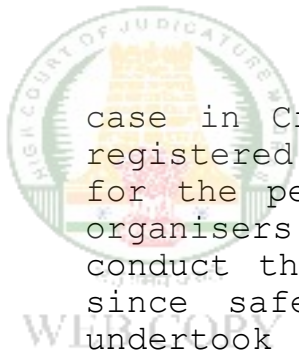
12. If there is any violation of any one of the conditions imposed, the concerned Police Officer is at liberty to take necessary action, as per law and stop such performance;

13. Similarly, stop the tournament, if it exceeds beyond the permitted time;

14. Organisers shall have to obtain all other required permissions from the authorities concerned;

15. SHO shall 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."

9. Though it is referred to by the respondent Police that a



case in Crime No.86 of 2019 as against two community people was registered on account of a Kabadi tournament, the learned Counsel for the petitioner submitted that neither this petitioner nor the organisers are connected with the same and he also undertook to conduct the tournament without prejudicing any other community and since safety has been raised as one of the grounds, he also undertook to relocate the tournament timings as 10.11.2019 from 05.00 am to 10.00 pm, instead of 09.11.2019 & 10.11.2019 from 11.30 pm.

10. The learned Counsel for the petitioner further undertook to abide by the conditions issued by the Director General of Police, Tamil Nadu, in Rc.No.007301/Genl.I(1)/2019, dated 09.04.2019 and that apart, the petitioner, in order to show his *bonafide* that the entire tournament would be conducted in a peaceful manner without any disturbance to others, undertakes to file an affidavit taking full responsibility in case of any untoward incident and make good the loss, besides paying the fee, if any, prescribed for providing protection for the tournament.

11. On the undertaking made by the learned Counsel for the petitioner, the learned Additional Public Prosecutor, on instructions from the second respondent, submitted that the request of the petitioner for conducting the Kabadi tournament on 10.11.2019 from 05.00 am to 10.00 pm would be considered positively, if a fresh representation is submitted, by imposing reasonable restrictions, in the light of the circular of the Director General of Police, Tamil Nadu, in Rc.No.007301/Genl.I(1)/2019, dated 09.04.2019.

12. In view of the undertaking given by the learned Counsel for the petitioner as well as the learned Additional Public Prosecutor, this writ petition is disposed of, with a direction to the petitioner to submit a fresh representation for conducting the Kabadi tournament on 10.11.2019 from 05.00 am to 10.00 pm, along with an undertaking affidavit that he is responsible if any untoward incident takes place during the event and for meeting the damages. On receipt of such representation and undertaking affidavit, the respondent Police shall consider and grant necessary permission, by imposing conditions, as stipulated in the Circular of the Director General of Police, Tamil Nadu, dated 09.04.2019. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



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To

- 1.The Superintendent of Police,
Subramaniyapuram,
Trichy District.
- 2.The Inspector of Police,
Thottiyam Police Station,
Thottiyam Taluk,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc Mr.K.A.S.PRABHU ,Advocate, SR.No. 96117

W.P. (MD) No.23103 of 2019
04.11.2019

KK/SAR/05.11.2019/5P-5C/