



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.12.2019

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

W.P. (MD)No.27064 of 2019
and
W.M.P (MD)No.23405 of 2019

P.Prabin S/o M.Paulraj,
President of the Function Committee of
Nehru Nanaivu Vilaiyattu Mandram
Registration No.63/2015,
No.19/60, Thodukulam,
Kanjiracode Post, Nattalam Village,
Kanyakumari District.

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the second respondent dated 14.12.2019 and quash the same and direct the respondents to accord permission and provide police protection to the 24th Annual Day Celebration of "Nehru Nianivu Vilaiyattu Mandram" scheduled on 1st and 2nd January 2020.

For Petitioner : Mr.N.Dilipkumar
For Respondents : Mrs.S.Bharathi
Government Advocate (Crl. side)

ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent, dated 14.12.2019, and seeking a consequential direction to the respondents to accord permission and provide police protection to the 24th Annual Day Celebration of "Nehru Nianivu Vilaiyattu Mandram" scheduled on 1st and 2nd January 2020.



2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

3. Today, when the matter is taken up for hearing, the second respondent/The Inspector of Police, Marthandam Police Station, Kanyakumari District is present in person before this Court.

4. The learned Government Advocate (Crl. side) on instructions would submit that the respondents are ready to accord permission to the petitioner to conduct the function subject to conditions.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the organizers are prepared to abide by the same condition that was imposed on them during last year in W.P. (MD)No.24892 of 2018.

6. The learned Government Advocate (Crl. side) would further submit that the police does not have any reservations in the conduct of the Annual Day Celebration is to be conducted. However, there is an apprehension that some law and order problem may arise during the celebration and that the respondent police have reservation in the petitioner conducting the function at the place where the demolished Stadium existed.

7. The learned counsel for the petitioner would further submit that the petitioner are ready to conduct the function away from the place where the Stadium existed.

8. The apprehension of the respondents is taken note of. In view of the same the impugned order passed by the second respondent, dated 14.12.2019, is quashed and the respondents police are directed to grant permission for conducting the Annual Day Celebration, by enclosing the following conditions:

i) The Annual Day Celebration 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 "Annual Day Celebration" 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 function, 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 function 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 impose 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.The petitioner is also directed to ensure that the conditions are strictly complied with and also to ensure that no law and order problem is created in the course of conducting the tournament.

10.The writ petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Kanyakumari District, Nagercoil.

2.The Inspector of Police,
Marthandan Police Station, Kanyakumari District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-106392[F] dated
20/12/2019)

W.P.(MD)No.27064 of 2019
and

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20.12.2019

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