



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.01.2020

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THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

W.P. (MD)No.474 of 2020

S.Kannan

... Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Sub-Division, Samayanallur,
Madurai District.

3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, by directing the respondents to grant permission to conduct Pongal festival, cultural and sports activities on 15.01.2020 and 16.01.2020 at 12th Ward, Ganapathi Nagar, Opposite to Paravai Power House, Samayanallur Post, Madurai North, Madurai District within the time stipulated by this Court by considering the petitioner's representation dated 24.12.2019 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

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

ORDER

This writ petition has been filed directing the respondents to grant permission to conduct Pongal festival, cultural and sports activities on 15.01.2020 and 16.01.2020 at 12th Ward, Ganapathi Nagar, Opposite to Paravai Power House, Samayanallur Post, Madurai North, Madurai District by considering the petitioner's representation dated 24.12.2019 within the time stipulated by this Court.



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

3. The learned Government Advocate (Crl.Side) appearing for the respondents submits that the police do not have any objection in conducting tournament, however, they have reservation with regard to the place, where the tournament is to be conducted, since there is an apprehension that some law and order problem may arise during tournament, if it is conducted at Ganapathi Nagar. She would also submit that the Director General of Police, in his proceedings in Rc.No.007301/Genl.I(1)/2019 dated 09.04.2019 has issued circular to Commissioner of Police, Superintendent of Police and all the Station Housing Officer and directed them to follow the procedure and instruct the petitioner seeking permission to conduct sports events to comply with the conditions and permission may be granted subject to the petitioner's agreeing to comply with the said conditions.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner has decided to conduct the pongal festival, cultural and sports activities at Maha Ganapathi Nagar which is in between two roads. He would further submit that the sports activities will be completed within the area and that there is no intention for the petitioner to conduct the sport events in any other place. He would submit that the petitioner is prepared to restrict sports events as per the direction and condition that may be imposed by the respondent police to conduct the programme in a peaceful manner without creating any law and order problem. He would further submit that the petitioner is prepared to give necessary undertaking in writing to comply with the conditions imposed by the respondent police.

5. The apprehension of the respondents is taken note of. In view the same, this Court is inclined to direct the respondent police to grant permission to the petitioner to conduct Pongal festival, cultural and sports activities. Accordingly, the third respondent is directed to grant permission to the petitioner to conduct Pongal festival, cultural and sports activities on 15.01.2020 and 16.01.2020 at the venue of Maha Ganapathi Nagar, Madurai District, by enclosing the following conditions:

i) The sports events should be completed within the time frame fixed by the respondent police;

ii) The pongal festival, cultural and sports activities should be completed within the area prescribed by the respondent police and the petitioner will not conduct any activities beyond the area that has been fixed by the respondent police;

iii) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed;



iv) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity;

v) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue;

vi) The participants of "sports events" shall not wear any form of dress showing offending slogans or picture of any communal/political leader which may cause disturbance;

vii) Songs praising communal leader or having communal overtones should not be played;

viii) The petitioner will ensure that no flex board or hoardings depicting particular community or leader will be displayed;

ix) There should not be any Flex Boards representing any community or political leaders;

x) 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;

xi) Similarly, the Police is empowered to stop the sports events, if it exceeds beyond the permitted time;

xii) the participants of the tournament shall not intake any kind of toxic substance or liquor during the sports events;

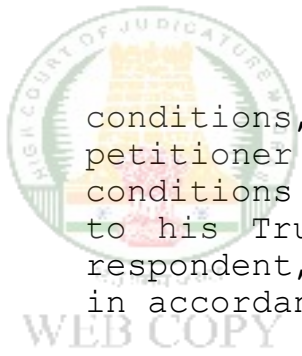
xiii) If there is any untoward incident took place, the village people and the organizers of the sports events be made responsible for the same;

xiv) The Referee must be authorized person from the District Association; and

xv) The respondent police 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.

6. 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 cultural and sports events.

7. In view of the above situation, this Court is inclined to direct the respondent police to grant permission to the petitioner to conduct Pongal festival, cultural and sports activities. Accordingly, the third respondent is directed to grant permission to the petitioner to conduct Pongal festival, cultural and sports activities on 15.01.2020 and 16.01.2020 at the venue of Maha Ganapathi Nagar, Madurai District. The petitioner is directed to give an undertaking affidavit mentioning that they will not violate any of the conditions imposed on them by the respondent police. It is directed to the third respondent to impose any reasonable



conditions, for the purpose of giving such permission to the petitioner and the petitioner is duty bound to comply with the conditions without fail. If the petitioner or the member belonging to his Trust violate any of the conditions imposed by the third respondent, it is left open to the third respondent to take action in accordance with law.

8.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai District.
- 2.The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Sub-Division, Samayanallur,
Madurai District.
- 3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-1660[F] dated
13/01/2020)

W.P. (MD) No.474 of 2020
10.01.2020

JMN(13.01.2020) 4P : 5C