



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

WP (MD) . No.4713 of 2022

WEB COPY

G.Pandiarajan

... Petitioner

Vs

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

2. The Deputy Superintendent of Police,
Othakadai Division,
Madurai District.

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

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceeding in Na.Ka.No. 13/OTK PS/2022 dated 06.03.2022 and quash the same as illegal and consequently directing the respondents to grant permission and afford protection for conducting the Kabadi Tournament scheduled from 26.03.2022 at about 10.00 p.m to 27.03.2022 at about 10.00 p.m and for usage of mike set during the said tournament scheduled at Sri Kaliyamman and Muniyandi Swamy Temple Ground, Mayandipatti, Poosaripatti Post, Madurai District.

For Petitioner : M/s.K.Seemaraj

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor
for R1 to R3

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceeding in Na.Ka.No. 13/OTK PS/2022 dated 06.03.2022 and quash the same as illegal and consequently directing the respondents to grant permission and afford protection for conducting the Kabadi Tournament scheduled from 26.03.2022 at about 10.00 p.m to 27.03.2022 at about 10.00 p.m and for usage of mike set during the said tournament scheduled at Sri Kaliyamman and Muniyandi Swamy Temple Ground, Mayandipatti, Poosaripatti Post, Madurai District.



2. By consent, the writ petition itself is taken up for final disposal.

3. The petitioner averred that his village decided to conduct Kabadi Tournament on 12.03.2022 on the eve of temple festival. Hence, the petitioner submitted a representation, dated 05.03.2022, before the third respondent. The third respondent, by impugned order, dated 06.03.2022, rejected the request made by the petitioner. Challenging the same, the petitioner has filed the present Writ Petition.

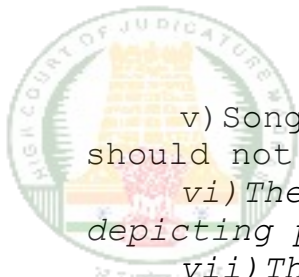
4. The learned counsel appearing for the petitioner would submit that this Court repeatedly directs the police officials to grant permission to conduct Kabadi tournament and other related programmes with certain conditions. Therefore, he prayed to quash the impugned order passed by the third respondent, dated 06.03.2022 and prayed to grant permission to conduct Kabadi tournament on 26.03.2022 & 27.03.2022.

5. The learned Additional Public Prosecutor appearing for the respondents submits that the police does not have any reservations on the place, where the tournament is to be conducted and that due to Covid-19 pandemic situation, therefore, this writ petition is liable to be dismissed.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

7. Now, the COVID-19 restrictions have been lifted. In view of the above, the impugned order passed by the third respondent cannot be sustained and it is liable to be set aside. Accordingly, the impugned order passed by the third respondent is quashed. Further, considering the above facts and circumstances of the case, the following directions are issued to the third respondent:-

- The respondents police are directed to grant permission for conducting the Kabadi tournament on **26.03.2022 between 08.00am to 11.00pm and 27.03.2022 between 08.00am to 11.00pm**, by enclosing the following conditions:
 - i) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed;
 - ii) The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquillity;
 - iii) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors in the venue;
 - iv) 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;



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

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

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

viii) 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;

ix) Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time; x) the participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;

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

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

xiii) The third 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.

xiv) The COVID-19 restrictions have now been lifted and permitted to gather not more than 50 persons for the Tournament.

xv) The third respondent is directed to strictly adhere to the Standard Operating Procedure adopted by the Government of Tamil Nadu.

8. 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.

9. The Writ Petition stands disposed of, with the above directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

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

2. The Deputy Superintendent of Police,
Othakadai Division,
Madurai District.

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

+1 CC to M/s.K.SEEMARAJ, Advocate (SR-12657[F] dated 17/03/2022)

ORDER IN

WP(MD) No.4713 of 2022

Date : 17.03.2022

USK/18.03.2022/4P/5C