



W.P(MD)No.18360 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.18360 of 2022

L.Thomas

...Petitioner

Vs.

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

2. The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent, dated 05.08.2022, and quash the same as illegal and consequently direct the respondents to grant permission and adequate police protection and also providing sound service permission during the “7th year Lighting Kabadi Tournament” Schedule to be held on 20.08.2022 at night 06.00 p.m., to 23.08.2022 till morning 11.00 a.m., situated at Pillaikulam, Anthonyar Nagar, Cheranmahadevi Taluk, Tirunelveli District.



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For Petitioner : Mr.S.Sathya Chidambaram
For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent, dated 05.08.2022, and quash the same as illegal and consequently direct the respondents to grant permission and adequate police protection and also providing sound service permission during the “7th year Lighting Kabadi Tournament” Schedule to be held on 20.08.2022 at night 06.00 p.m., to 23.08.2022 till morning 11.00 a.m., situated at Pillaikulam, Anthonyar Nagar, Cheranmahadevi Taluk, Tirunelveli District.

2.Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side) takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel for the petitioner submitted that the petitioner is the Member of the “Sivanthi Sport Club”, situated at Pillaikulam Anthonyar Nagar, Cheranmahadevi Taluk, Tirunelveli District. In our village on behalf of the above committee every year we are conducting “Sports Events”. In the circumstances, this year they planned to conduct the “7th Year Lighting Kabadi Tournament” schedule to be held on 20.08.2022 at Night 06.00 p.m to 23.08.2022 till morning 11.00 a.m. The respondent Police rejected the permission on the ground that there was Law and Order Problem and Communal Clash.

4. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the respondents submitted that the representation was given by the petitioner and the same was rejected on 05.08.2022, on the ground that there was Law and Order problem and communal clash. He further submitted that, if the petitioner gives an undertaking that there will not be any law and order problem, they are ready to consider the representation.



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5. I have considered the submissions made by the learned counsel appearing for both sides.

6. On perusal of the records, it is seen that the petitioner is the one of the member of “Sivanthi Sport Club” situated at Pillaikulam, Anthonyar Nagar, Cheranmahadevi Taluk, Tirunelveli District. Every year they will be conducting the sports, and this year also they are ready to conduct the “7th year Lighting Kabadi Tournament” Schedule to be held on 20.08.2022 at night 06.00 p.m., to 23.08.2022 till morning 11.00 a.m., and they will not be any communal clash and ready to give undertaking and they will not create any problem.

7. On perusal of the impugned order, it is seen that the respondent police rejected the permission only on the ground that law and order problem and communal clash. But they have not produced any sufficient materials for accepting law and order problem. In these circumstances the impugned order is hereby set aside.



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8. Now, the learned counsel for the petitioner submitted that he is ready to give an undertaking and they will not create any problem.

9. It is brought to the notice of this Court that the Director General of Police, Tamil Nadu, Chennai had issued a circular memorandum in Rc. 007301/Genl.I (1)/2019 dated 09.04.2019 along with instructions to the Inspectors of Police throughout Tamil Nadu for consideration of applications seeking permission for conducting the “7th year Lighting Kabadi Tournament”. Therefore, in view of the detailed circular and guidelines issued by the Director General of Police, the second respondent police is hereby directed to consider the fresh representation of the petitioner for conducting “7th year Lighting Kabadi Tournament” and pass suitable orders based on the above said circular.

10. With the above direction, this writ petition is disposed of. No costs.

12.08.2022

Index :Yes/No
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Note: Issue order copy on 16.08.2022

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To

1. The Deputy Superintendent of Police,
Cheranmahadevi,
Tirunelveli District.
2. The Inspector of Police,
Cheranmahadevi Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM., J

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