



W.P(MD)No.19251 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2022

CORAM :

THE HONOURABLE **MR.JUSTICE V.SIVAGNANAM**

W.P(MD)No.19251 of 2022

and

W.M.P(MD)No.14042 of 2022

G.Prabhu Jai Shankar

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.

3.The Inspector of Police,
Seydunganallur Police Station,
Thoothukudi 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 of the order, dated 16.08.2022 issued by the third respondent and quash the same, consequently, direct the respondents to grant permission and give necessary police protection to conduct Kabadi competition to be held on 26.08.2022, 27.08.2022 and 28.08.2022 conducted by JMC Club for the birthday of Muthamizh Aringar Dr.Kalaingar at Veeralaperi Amman Kovil Ground, Srivaikundam,



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Thoothukudi District within the time limit that may be stipulate by this Court.

For Petitioner : Mr.D.Selvanayagam
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 of the order dated 16.08.2022 issued by the third respondent and quash the same, consequently, direct the respondents to grant permission and give necessary police protection to conduct Kabadi competition to be held on 26.08.2022, 27.08.2022 and 28.08.2022 conducted by JMC Club for the birthday of Muthamizh Aringhar Dr.Kalaingar at Veeralaperi Amman Kovil Ground, Srivaikundam, Thoothukudi District.

2.The learned counsel appearing for the petitioner submitted that the petitioner gave a representation to the respondent police to grant permission for conducting 'Kabadi' competition on 26.08.2022, 27.08.2022 and 28.08.2022, which was rejected by the third respondent



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police on the ground that previously, there is communal problem arose in nearby villages. He further submitted that the cases have been registered in Crime No.52 of 2022 for the offences under Sections 294(b), 354(A), 506(ii) of IPC and Crime No.96 of 2021 for the offences under Sections 147, 148, 294(b), 323, 307, 506(ii) IPC and Section 3(1)(x) of SC/ST Act and Crime No.281 of 2014 for the offences under Sections 302 IPC nearby villages, not this village. The reason stated by the respondent police is not accepted one. Hence, he filed this petition to quash the proceedings and seeks permission to conduct the programme.

3.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner is seeking permission for conducting Kabadi competition to be held on 26.08.2022, 27.08.2022 and 28.08.2022. But there is a possibility of communal problem in that area. Previously, three cases have been registered by the respondent police in Crime No.52 of 2022 for the offences under Sections 294(b), 354(A), 506(ii) of IPC and Crime No.96 of 2021 for the offences under Sections 147, 148, 294(b), 323, 307, 506(ii) IPC and Section 3(1)(x) of SC/ST Act and Crime No.281 of 2014 for the offences under Sections 302 IPC. Therefore, expecting the communal problem, the respondent



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police rejected the petitioner's representation. If the programme is permitted, there will be a possibility of law and order problem. Hence, he pleaded to dismiss the said petition.

4.I have considered the matter in the light of the submissions made by the parties.

5. A perusal of the impugned order, dated 16.08.2022 shows that the petitioner sought permission to conduct 'Kabadi' competition from 26.08.2022 to 28.08.2022, which was rejected by the respondent police on the ground that the communal problem and law and order problem would arise. Previously, in the pursuant of the communal problem, three cases have been registered. But all the cases registered in surrounding places are not happened at Veeralaperi Amman Kovil Ground, Srivaikundam and expecting law and order problem is not a acceptable reason for granting permission to conduct Kabadi competition. In these circumstances, the reason stated by the third respondent is not sufficient for rejecting the Kabadi competition.



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6.Further, it is noted that the third respondent police without considering the circular of the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019 passed the impugned order.

7. In view of the circular issued by the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019, the impugned order passed by the third respondent dated 16.08.2022 is hereby set aside.

8. In view of the above, the petitioner is at liberty to approach the third respondent and to give a fresh representation and the third respondent is hereby directed to consider the fresh representation to be given by the petitioner and pass suitable orders based on the above said circular within a period of two days from the date of receipt of a copy of this order.

9.With the above direction, this writ petition is disposed of.
No costs. Consequently connected miscellaneous petition is closed.

23.08.2022

Index : Yes / No
Internet : Yes/ No
vsd

Note: Issue Order Copy on 24.08.2022



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To

WEB COPY

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Thoothukudi District,
Thoothukudi.
2. The Deputy Superintendent of Police,
Srivaikundam,
Thoothukudi District.
3. The Inspector of Police,
Seydunganallur Police Station,
Thoothukudi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

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