



W.P(MD)No.19565 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.19565 of 2022

Poovarasam

...Petitioner

VS

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

2. The Sub Inspector of Police
Palamedu Police Station,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order in Na.Ka.no. 11/Se.Mu.Aa/2022 dated 17.8.2022 passed by the 2nd respondent and quash the same as illegal and consequently directing the respondents to grant permission and to provide police protection to conduct Kabadi to tournament from 3.9.2022 at about 8.00 PM to 4.9.2022 at about 8.00 PM at M.Pallapatti Village, Kodangipatti Post, Palamedu Via, Vadipatti Taluk, Madurai District on the basis of the petitioners representation dated 15.8.2022.



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For Petitioner : Mr.S.Mahendrapathy

For Respondents : Mr.M.Sakthi Kumar

Government Advocate(Crl.Side)

ORDER

This writ petitioner filed this Writ Petition to quash the impugned order in Na.Ka.no.11/Se.Mu.Aa/2022 dated 17.8.2022 passed by the 2nd respondent and consequently directing the respondents to grant permission and to provide police protection to conduct Kabadi to tournament from 3.9.2022 at about 8.00 PM to 4.9.2022 at about 8.00 PM at M.Pallapatti Village, Kodangipatti Post, Palamedu Via, Vadipatti Taluk, Madurai District on the basis of the petitioners representation dated 15.8.2022.

2.Mr.M.Sakthikumar, 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.

3.The learned counsel appearing for the petitioner submitted that 'Kabadi' tournament at M.Pallapatti Village, Kodangipatti Post, Palamedu Via, Vadipatti Taluk, Madurai District, on 03.09.2022 and 04.09.2022.



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Subsequent to the same, in order to conduct a tournament, they sought permission of the police by giving a representation dated 15.08.2022.

But the second respondent has passed the impugned order stating that there will be a possibility for arising communal and law and order problem. He further submitted that, therefore, the reason stated by the 2nd respondent in the impugned order is not sustainable and the same is liable to set aside and grant permission to conduct Kabadi. Hence, the petitioner has come before this Court for the above said relief.

4.The learned Government Advocate (criminal side) appearing for the respondent police would submit that there is a possibility of communal problem arising between the two groups and in pursuance law and order problem will come. Therefore, the 2nd respondent police rejected the representation of the petitioner and objected to grant permission.

5. I have considered the submission of the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent police.



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6. On perusal of records, this petitioner sought permission from the 2nd respondent to conduct Kabadi Tournament from 03.09.2022 and 04.09.2022, at M.Pallapatti Village, Kodangipatti Post, Palamedu Via, Vadipatti Taluk, Madurai District. The 2nd respondent police, by its order in Na.Ka.no.11/Se.Mu.Aa/2022 dated 17.8.2022, rejected the permission petition, on the ground that there is Covid restrictions and also the police officials will be engaged in Vinayagar Sathurthi function and if the Kabadi Tournament is permitted there is a possibility of law and order problem will arise. Hence, rejected.

7. The reasons stated by the 2nd respondent police in the impugned order that Covid restrictions and very difficult to give police protection due to the festival of Vinayagar Sathurthi. The reason stated by the 2nd respondent in the impugned order, dated 15.08.2022 is not acceptable and the same is hereby set aside.

8. Accordingly, the petitioner is at liberty to approach the second respondent and to give fresh representation before the 2nd respondent police. The second respondent is hereby directed to consider the fresh representation to be given by the petitioner and pass suitable orders,



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based on the circular issued by the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019.

9. With the above direction, this writ petition is allowed. No costs.

24.08.2022

Index : Yes/No
Internet : Yes/ No
ksa

Note : Issue a copy of order, on 02.09.2022

To

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



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V.SIVAGNANAM, J

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