



W.P.No.2796 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.2796 of 2023

Tamilvanan

... Petitioner

Vs.

The Sub-Inspector of Police,
Siruvalur Police Station,
Erode District.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus calling for the records relating to the order passed by the respondent in Na.Ka.No.05/Mike/G4PS/2022 dated 06.01.2023 (signed and served on 23.01.2023) quash the same and direct the respondent to grant permission and provide police protection for the Kabadi Tournament to be held for two days ie., 10.02.2023 and 11.02.2023 on account of the Arulmigu Thanthondri Amman Kundam and Car festival, Getticheviyur Village, Erode District.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)



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ORDER

The Writ Petition has been filed to call for the records relating to the order passed by the respondent in Na.Ka.No.05/Mike/G4PS/2022 dated 06.01.2023 (signed and served on 23.01.2023) quash the same and direct the respondent to grant permission and provide police protection for the Kabadi Tournament to be held for two days ie., 10.02.2023 and 11.02.2023 on account of the Arulmigu Thanthondri Amman Kundam and Car festival, Getticheviyur Village, Erode District.

2.The learned counsel appearing for the petitioner submitted that petitioner is an organizer of Kabadi Tournament which was proposed be held on 10.02.2023 and 11.02.2023. The Kabadi Tournament has been conducted for the last 12 years. Petitioner made a representation before the respondent police on 06.01.2023.However, permission was refused on the ground that former members of Kalaimagal Sports Club objected granting permission. Therefore, present petition is filed.

3.The learned Government Advocate (Crl.side) appearing for the respondent submitted that former members of Kalaimagal Sports Club raised objection for granting permission to conduct Kabadi Tournament on



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10.02.2023 and 11.02.2023. Police apprehends that if permission is granted to the petitioner to conduct Kabadi Tournament, it would lead to law and order problem.

4. Considered the rival submissions and perused the records. Reading of the rejection order in Na.Ka.No.05/Mike/G4PS/2022 shows that permission sought for conducting Kabadi Tournament is refused saying that Kalaimagal Sports Club was conducting Kabadi Tournament for the past 9 years and the former members of Kalaimagal Sports Club raised objection. It means that the petitioner is conducting Kabadi Tournament for the past nine years. This Court is of the view that denial of the permission on the basis of the third party's objection is not a valid reason. Therefore, the proceedings in Na.Ka.No.05/Mike/G4PS/2022 passed by the first respondent is hereby quashed and there shall be a direction to the first respondent herein to give permission to conduct the Kabadi Tournament on 10.02.2023 and 11.02.2023 at Kalaimagal Street, Getticheviyur Village, Erode District between 08.00.a.m., and 11.00 p.m., subject to the following conditions:



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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 tranquility;

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) the participants of the tournament shall not



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intake any kind of toxic substance or liquor during the tournament;

viii) If there is any untoward incident took place, the organizers of the tournament will be made responsible for the same;

ix) The Refree must be authorized person from the District Association; and

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 Kabadi tournament, if it exceeds beyond the permitted time;

xii) The first respondent is at liberty to put any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility, so as to maintain law and order and communal harmony.



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5. 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.

6. With the above direction, this Writ Petition is disposed of and the order passed by the first respondent is quashed. No costs.

02.02.2023

Index :Yes/No

Internet:Yes/No

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To

1.The Sub-Inspector of Police,
Siruvalur Police Station,
Erode District.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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