



W.P(MD)No.11815 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.11815 of 2023

Arumugaselvan

... Petitioner

Vs.

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

2.The Inspector of Police
Arumuganeri 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 calling for the records relating to the impugned order dated C.No. 09/F3PS/TU/2023 dated 21.04.2023 on the file of second respondent and quash the same and consequently direct the second respondent to grant permission to the petitioner for conducting Volley Ball Tournament schedule to be held from 20.05.2023 and 21.05.2023 at about 7.00 a.m.



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to 8.00 p.m. in the name of Perunthalaivar Kamarajar Memorial day at Kayalpattinam, Thoothukudi District, by considering the representation given by the petitioner dated 05.05.2023.

For Petitioner : Mr.V.Malaiyendran

For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by
Mrs.Farjana Ghoushia,
Special Government Pleader

ORDER

Heard Mr.V.Malaiyendran, learned counsel appearing for the writ petitioner and Mr.R.Baskaran, learned Additional Advocate General appearing for the respondents.

2. The petitioner is a Political functionary. He wants to conduct Volley Ball Tournament as a tribute to the late Chief Minister Sri Kamarajar. This request has been rejected by the second respondent on the ground that law and order problem is likely to crop up. Challenging the rejection order, the present writ petition came to be filed.



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3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The learned Additional Advocate General drew our attention to Crime Nos.293 and 294 of 2022 registered on the file of Arumuganeri Police Station. He points out that the petitioner herein is figuring as an accused. He would also add that though various teams knowing part in the proposed tournament would be representing particular communal groups and since the region is sensitive, this Court may sustain the order impugned in this writ petition. He prayed for dismissal of the writ petition.

5. We carefully considered the rival contentions and went through the materials on record.

6. The final report filed by Arumuganeri Police Station in Crime No.293 of 2022, no doubt implicates the petitioner as the sixth



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accused. It is seen that there was a petty quarrel between two groups of people which took place in connection with a marriage held on 13.11.2022.

7. Merely because of this solitary occurrence, we will not be justified in denying the right of the petitioner to conduct the petition mentioned event. The petitioner belongs to Scheduled Caste Community. When a person belonging to Scheduled Caste community wants to organise a sports event, the local administration ought not to look upon it with disfavour. The reasons set out in the impugned order are not sufficient enough to say "no" to the petitioner herein.

8. The petitioner through his counsel gives an undertaking that he will act as a nodal person and ensure that the event will be conducted in a smooth and amicable manner. He is also ready to abide by any condition that may be stipulated by the second respondent in its letter and spirit. This undertaking of the petitioner is placed in record. The petitioner states that he will conduct the event from 7.00 a.m. to 7.00 p.m. on both the days.



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9. The order impugned in the writ petition is set aside. The second respondent is directed to issue proceedings permitting the petitioner to conduct the petition mentioned event between 7.00 a.m. to 7.00 p.m. on 20.05.2023 and 21.05.2023. It is open to the second respondent to stipulate appropriate conditions and the same shall be adhered to in its letter and spirit by the petitioner herein.

10. The writ petition stands allowed. No costs.

[G.R.S.,J.] [S.S.Y.,J.]
11.05.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No

RM/SKN

Note : Issue Order copy on 12.05.2023



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To

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- 1.The Superintendent of Police
Office of the Superintendent of Police,
Thoothukudi District.
- 2.The Inspector of Police
Arumuganeri Police Station,
Thoothukudi District.



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G.R.SWAMINATHAN, J.

AND

S.SRIMATHY, J.

RM/SKN

ORDER MADE IN

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11.05.2023