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Writ Petition No.3651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3651 of 2024

A.Mayilsamy

S/o.Arumugam

... Petitioner

Vs.

The Inspector of Police,
Nangavalli Police Station,
Metur Taluk,
Salem District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India seeking issuance of a writ of mandamus directing the respondent to consider the petitioner's representation dated 02.02.2024 made to the respondent and consequently, direct the respondent to grant permission to the petitioner in order to conduct the Kabbadi, Cock fighting (Seval Sandai) and Volleyball competition programme for the said programme which is scheduled to be held on 19.02.2024 in between 10.00 a.m. and 02.00 p.m. at Sri Selvamariyamman Kovil, Kanakupatti Village, Kattuvalavu, Periyasoragai Mettur, Salem - 636 502.

For Petitioner : Ms.A.Sujatha

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



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ORDER

This writ petition has been filed seeking for issuance of a writ of

Mandamus directing the respondent to consider the petitioner's representation dated 02.02.2024 made to the respondent and consequently, direct the respondent to grant permission to the petitioner in order to conduct Kabbadi, Cock fighting (Seval Sandai) and Volleyball competition, which are scheduled to be held on 19.02.2024 in between 10.00 a.m. and 02.00 p.m. at Sri Selvamariyamman Kovil, Kanakupatti Village, Kattuvalavu, Periyasoragai Mettur, Salem - 636 502.

2. Learned counsel for the petitioner submitted that even during the previous year, similar writ petition was filed and permission was granted and the event was conducted without giving rise to any law and order problem. The learned counsel submitted that even this time it will be conducted in a smooth manner without causing any law and order problem.

3. Per contra, the learned Additional Public Prosecutor, on written instructions from the respondent, submitted that there is a reasonable apprehension that a law and order problem will be created. The learned



Additional Public prosecutor submitted that such law and order problem is anticipated since many who participate in the event will be under the influence of alcohol and that there is also a likelihood of caste being the reason for the law and order problem.

4. Learned counsel for the petitioner submitted that the petitioner will ensure that no law and order problem is created and that the petitioner must be permitted to conduct the above events as was done in the previous years.

5. Taking into consideration the facts and circumstances of the case and after carefully considering the apprehension that was raised by the respondent police, this Court is inclined to grant permission for conducting the cock fight and kabadi tournament on 19.02.2024 in between 10.00 a.m. and 02.00 p.m. subject to the following conditions :-

Cock fight:

- (i) It is made clear that such an event shall be supervised by the first respondent as well as by the Veterinary Doctor of nearby Government Veterinary Hospital.
- (ii) It is further made clear that during the course of conducting 'cock



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fight', there should not be any injury to be caused to the birds and the birds should not be intoxicated, with any alcoholic substance and no knives should be tied around the legs of the birds, with the tip of the knives dipped in poisonous substances. The Veterinary Doctor shall ensure the same before the actual starting of the event.

- (iii)The petitioner shall bear the expenses towards police protection as well as the expenses towards the Veterinary Doctor.
- (iv)It is made clear that the organizer should take precautionary measures to avoid any untoward incident while conducting the event of cock fight.
- (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 is displayed.
- (vii)All the above terms and conditions should be followed scrupulously by the petitioner and the petitioner shall file an affidavit of undertaking to the said effect before the second respondent.
- (viii)No one is allowed to enter, except the owner of the Birds which are going to participate in the event.
- (ix)There is a separate place allocated for the spectators.



(x) According to the conditions, eligible birds are only allowed to participate in the event. If there are any objections being raised, it is left open to the concerned police officer to take a decision.

(xi) If at any time, any law and order problem is created, it will always be left open to the respondent to abruptly stop the entire event and take action against the concerned persons in accordance with law.

Kabadi

(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 tranquillity;

(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;



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(vi)The petitioner will ensure that no flex board or hoardings depicting

particular community or leader will be displayed;

(vii)There should not be any Flex Boards representing any community or political leaders;

(viii)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;

(ix)Similarly, the Police is empowered to stop the Kabadi tournament, if it exceeds beyond the permitted time;

(x)the participants of the tournament shall not intake any kind of toxic substance or liquor during the tournament;

(xi)If there is any untoward incident, the village people and the organizers of the tournament be made responsible for the same;

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

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



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This writ petition is disposed of with the above directions. No

costs.

15.02.2024

Note: Issue today [15.02.2024]

Speaking Order/Non-speaking Order

Index :Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police,
Nangavalli Police Station,
Metur Taluk,
Salem District.

2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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