
(2015) 01 MAD CK 0161

In the Madras High Court

Case No : Writ Petition (MD). No. 472 of 2015

S.M. Ramiah

APPELLANT

Vs

The Assistant Superintendent of police

RESPONDENT

Date of Decision : 20-01-2015

Acts Referred:

Citation : (2015) 01 MAD CK 0161

Hon'ble Judges : B. Rajendran, J.

Bench : Single Bench

Advocate : P. Subbaraj, for the Appellant; R. Karthikeyan, Addl. Government Pleader, Advocates for the Respondent

Judgement

B. Rajendran, J.—The petitioner sought for permission to conduct Kabadi Tournament on the eve of the Republic Day celebrations and also in the next day, which has been rejected on the ground that earlier in the said area, there was a clash between two groups and pursuant to the same, FIR has been registered. Against the order of rejection, the petitioner is now before this Court.

2. The learned counsel for the petitioner would contend that in respect of the very same place, earlier, when the petitioner approached this Court, in W.P.(MD) No. 18215 of 2014 vide order dated 19.11.2014, granted permission to conduct the Kabadi Tournament by imposing conditions. Therefore, he stated that the present impugned order is only a verbatim order refusing permission to conduct the tournament. However, the petitioner is prepared to give any undertaking before this Court for conducting the tournament in a peaceful manner and the petitioner will abide by any conditions that is imposed by this Court.

3. The learned Additional Government Pleader appearing for the respondents would contend that they have sought for permission for 26 and 27th of January 2015 and 26th of January "2015 being the Republic day, the police authorities will be busy in other functions. He would further state that in view of the earlier criminal cases pending before the respondent police in respect of the earlier

tournament, they have refused the permission.

4. But in respect of the very same area, though it was rejected on the same ground, this Court permitted the petitioner therein to conduct the kabadi tournament vide order dated 19.11.2014. He would further state that if the petitioner is prepared to change the dates instead of 26th and 27th January 2015 to 27th and 28th of January 2015, the authorities will consider the application of the petitioner and pass appropriate orders in tune with the conditions to be imposed by this Court.

5. At this juncture, the learned counsel for the petitioner states that the petitioner is prepared to change the dates instead of 26.01.2015 and 27.01.2015 to 27.01.2015 and 28.01.2015.

6. In view of the undertaking given by the petitioner that the petitioner is prepared to change the dates instead of 26th and 27th of January 2015 to 27th and 28th of January 2015 and following the earlier order passed by this Court in similar writ petitions and in W.P.(MD) No. 18215 of 2014, in respect of the very same area, the writ petition is disposed of by directing the second respondent to grant permission to the petitioner to conduct the kabadi tournament with the following conditions:

? The Kabadi Competition is permitted to be held only on 27.01.2015 and 28.01.2015 between 06.00 A.M. and 04.00 PM alone.

? The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed.

? The petitioner shall ensure that no untoward incident is caused disturbing the public peace and tranquility.

? The petitioner shall ensure proper first-aid arrangements by keeping two doctors available in the venue well in advance during the time of event.

? 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.

? Songs praising communal leaders or having communal overtones should not be played at the venue. The songs to be played in the Kabadi Tournament should be furnished well in advance to the respondent police concerned and if there is any objectionable songs, the respondent police is directed to stop such songs forthwith. The respondent police is directed to ensure that the loud speakers are not played beyond the permissible level and see that there is no nuisance to the public at large in this regard.

? The petitioner will ensure that no flex board or hoardings depicting particular community or leaders will be displayed at the venue.

? It is a condition precedent on the part of the organizers to make sure the

presence of the doctors, as stated above. Without the presence of doctors or necessary medical facilities, the respondent police shall not grant permission.

? The list of names of participants, method to be adopted, as undertaken by the learned counsel appearing for the petitioner will be furnished atleast two days prior to the event and a written undertaking will be given to the respondent Police concerned for the smooth functioning of the tournament.

? The referees will be employed only from the outside area recognized by the District or State Kabadi Association.

? The petitioner has to apply for licence before the respondent police concerned for the conduct of the Kabadi Competition in question and in this regard, the petitioner / the Organizers has to approach the respondent police to submit necessary application, along with a copy of this order. If the petitioner has already made an application in this regard, the respondent police concerned is directed to accord permission for the orderly conduct of the Kabadi Competition in question on or before 25.01.2015.

? It is made clear that if the above conditions are not followed, it is open to the authorities concerned to take necessary action, including rejecting the request.

? It is also made clear that in the event of any untoward incident, which may take place during the course of Kabadi Tournament, it is open to the police authorities to apprehend such persons, who are responsible for such incident and act in accordance with law.

There shall be no order as to costs.