
(2015) 01 MAD CK 0129

In the Madras High Court

Case No : Writ Petition (MD) No. 281 of 2015

T. Mohan

APPELLANT

Vs

The Superintendent of Police

RESPONDENT

Date of Decision : 09-01-2015

Acts Referred:

Citation : (2015) 01 MAD CK 0129

Hon'ble Judges : B. Rajendran, J.

Bench : Single Bench

Advocate : G.K. Karnan, for the Appellant; R. Karthikeyan, Additional Government Pleader, Advocates for the Respondent

Judgement

B. Rajendran, J.—Mr.R.Karthikeyan, learned Additional Government Pleader, takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. The present Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to grant permission to conduct the Kabadi competition in the District Level scheduled on 17.01.2015 and 18.01.2015 at Chithiraiputhiranur, Pethanadarpatti, Alangulam Taluk, Thoothukudi District by considering the petitioner's representation dated 24.12.2014.

3. Seeking permission to conduct Kabadi Competition on 17.01.2015 and 18.01.2015, the petitioner submitted representation on 24.12.2014 before the respondents. Since no action has been taken, the petitioner has come up with the present Writ Petition.

4. The learned counsel appearing for the petitioner would submit that the Kabadi being a traditional sports, a direction may be issued to the respondents to give permission to conduct Kabadi Competition.

5. Mr.R.Karthikeyan, learned Additional Government Pleader appearing for the respondents would submit that in the event of this Court granting permission,

stringent conditions may be imposed for the smooth conduct of the event. He would further submit that the petitioner has to submit complete details, regarding the participants, method to be adopted, referees to be employed and also provide medical facilities for the smooth conduct of the tournament. He would further submit that as per their wish, teams are selected and prizes are distributed and therefore, the referee, who will be employed, may be from the outside area.

6. The learned counsel appearing for the petitioner would submit that a complete details, regarding the participants, method to be adopted, etc, as suggested by the learned Additional Government Pleader, would be furnished two days prior to the event and a written undertaking would be submitted before the Inspector of Police concerned for the smooth functioning of the tournament. Apart from the above conditions, the petitioner will abide by any other reasonable conditions, which may be imposed by the police in this regard.

7. I have considered the above submissions.

8. A similar issue came up for consideration before a Division Bench of this Court in V. Ganesan Vs. The Superintendent of Police, and on a careful consideration of the submissions made on either side, the Division Bench granted permission to conduct Kabadi Tournament by imposing certain conditions.

9. Following the same, the present Writ Petition is disposed of directing the respondents to grant permission to conduct Kabadi Competition subject to the following conditions:-

? The Kabadi Competition is permitted to be held only on 18.01.2015 between 08.00 A.M. and 06.00 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 under guise of conducting the Kabadi Competition.

? 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 leader or having communal overtones should not be played at the venue.

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

? The petitioner will donate a sum of Rs.5,000/- (Rupees Five Thousand only) to The Amar Seva Sangam, Aiykudi Village, Tenkasi Taluk, Tirunelveli District, and

payment of proof shall be produced before the respondent police.

? 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, as suggested by the learned Additional Government Pleader.

? The petitioner has to apply for licence before the respondent police concerned for the conduct of the Kabadi Competition in question (if the same is legally required) 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 and on receipt of the said application, the respondent police is directed to accord permission for the orderly conduct of the Kabadi Competition in question on or before 16.01.2015.

? 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.