



*W.P.(MD)No.17679 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:08.08.2023

CORAM

**THE HON'BLE DR.JUSTICE D.NAGARJUN**

**W.P.(MD)No.17679 of 2023**

E.Manickaraja

... Petitioner

Vs.

1. The Superintendent of Police,  
Thoothukudi District.

2. The Inspector of Police,  
Sathankulam Police Station,  
Thoothukudi District.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to give permission and adequate police protection to conduct Cock Fight without any weapons tied to the birds legs on 13.08.2023 at Public Survey No.86, near Karaiadi Sudalai Aandavar Temple, Sathankulam, based on the petitioner's representation dated 26.06.2023.

For Petitioner : Mr.S.Mani

For Respondents : Mr.B.Thanga Aravindh  
Govt. Advocate (Crl. Side)



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## **ORDER**

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This petition is filed seeking for a mandamus to the respondents police to grant permission and adequate police protection for conducting cock fight without any weapons tied to the birds legs on 13.08.2023 at Public Survey No.86, near Karaiadi Sudalai Aandavar Temple, Sathankulam, Thoothukudi District.

2. It is submitted by learned counsel appearing for the petitioner that the petitioner is the President of Nethaji Sports Club, Sathankulam, Thoothukudi District and they have decided to conduct the cock fight, thereby submitted a representation dated 26.06.2023 before the respondents police seeking permission and also to provide sufficient police protection. It is submitted that the cock fight is one of the oldest traditional games in Tamil Nadu of Tamil race and that they are intending to conduct cock fight at Sathankulam near Karaiadi Sudalai Aandavar Temple. Learned counsel also submitted that the petitioner will take care that no weapons shall be tied to the legs of cocks and thereby, sought for a direction.



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3. The respondents police have filed a detailed counter stating that there are about 85 villages in and around the place where the cock fight is proposed to be conducted with approximately 50,000 population. There are disputes among various castes and community people on account of certain local issues and in the year 2021, a person by name Martin was killed by 11 persons on 10.06.2021 and a case was registered in Crime No.126 of 2021 for the offences under Sections 148, 294(b), 341, 302, 506(ii) and 114 of IPC. Subsequently, one Abdul Kathar, who is one of the accused in the said case was also killed by other group on which a case in Crime No.646 of 2021 was registered for the offence under Section 302 of IPC. It is also mentioned that there are issues amongst the rival groups, if in case cock fight is being organized, the people from different communities and different walks of life would come to participate along with their flags of their communities, political parties etc. They would also wear separate T-shirts depicting the names of communities, political parties and they would also raise slogans etc. It is also submitted that in respect of issue among the group, another incident has taken place on 08.09.2022 at Sathankulam Police Station



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limits and a case has been registered in Crime No.270 of 2022 for the offences under Section 147, 148, 341, 323, 307, 506(ii) of IPC. It is therefore mentioned ultimately the situation is not conducive for granting permission for conducting of cock fight.

4. Heard learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) and perused the materials on record.

5. Cock fight is a deadly/bloody fight. It is in practice since ages not only in this part of the country but also rest of the world to have cock fight for the purpose of entertainment. It is a matter of practice and experience of everybody that during the course of cock fight, the cock fighters would normally tie the small knives and weapons to the legs of the cocks and allow the cocks to fight in a ring and people enjoy when two cocks fight and in most of the cases, one of the cocks will ultimately die or suffer grievous injuries. It is also a matter of history that in most of the countries, cock fight has already been banned. Even in this country also, the Hon'ble Apex Court many times directed not to conduct the cock fights.



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6. However, it is a matter of tradition or culture to have cock fights, specifically on certain occasions. In the State of Andhra Pradesh, cock fight is a tradition only during the “Sankranti festival” period. The Courts thought permitted the cock fights to be conducted during Sankranti period, it has been specifically to take care that no weapons are attached and no betting is done. However, mostly these kind of orders are not implemented in letter and spirit. It is also the same in this part of the State as well.

7. The petitioner has not mentioned anything as to the significance of 13.08.2023 for performing the cock fight. If it is in festival occasion or any specific date, every year if they have been conducted the cock fight as a tradition it can be viewed differently. Though the petitioner has mentioned in this petition that they would advice the people that they shall not carry any party flags or raise slogans etc., it is difficult to organize and prevent the persons and things may likely to go out of control. One of the problems in conducting the cock fight is that the people would bet heavily basing on their political parties, caste or on



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personal level and disputes would arise during the course of cock fight.

Cock fight is often organized by an unorganized sector, there are no rules, no associations, so specific body to take control of cock fight. Therefore, most of the directions given by the Courts from time to time are violated. It is also a matter of experience that the people witnessing the cock fight shall not be allowed to take pictures or videograph so that the evidence of violations of directions will not come to light. Government agencies like Municipalities, Revenue and Police authorities also become a mute spectator in most parts on account of influence of the person who conduct such events. One should not forget that the cocks will force to fight with other cocks with weapons. Therefore, such kind of things shall not be permitted to proceed.

8. Further it is in the name of conducting the cock fights as a tradition or culture, cock fighters will disturb the social fabric, peace, tranquility in the society, thereby such events shall not be permitted even if the tradition and practices are prevailing after all people are supposed to live peacefully in the society.



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9. Maintenance of law and order is the responsibility of the police.

In case, if the cock fight is allowed to conduct and if the police reports with the help of intelligence that they have the cock fights likely to cause harm and likely to result in violence and may likely to disturb the peace and tranquility, such kind of cock fights shall not be permitted.

10. Learned Government Advocate (Crl. Side) has submitted that with the help of report filed by the concerned Inspector of Police that there were instances of offences took place during the cock fight including a murder in the said town on account of issues between two groups and also one more case of rioting was also reported. It is also reported that heavy police were deployed in that area in order to avert untoward incidents and that because of the measures taken by the police, situation is coming to normalcy thereby at this stage permission cannot be given. Learned counsel for the petitioner has submitted that petitioner is prepared to give undertaking to take all precautions. However, since police have reported that still there is picketing in the village and law and order is not conducive to conduct such event, police cannot be directed



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to grant permission for cock fight.

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11. In view of the above, the directions as sought for cannot be permitted. Accordingly, this petition is dismissed.

**08.08.2023**

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

To

1. The Superintendent of Police,  
Thoothukudi District.
2. The Inspector of Police,  
Sathankulam Police Station,  
Thoothukudi District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**DR.D.NAGARJUN,J**

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