



W.P.(MD)No.20289 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.20289 of 2023

Rajendran

... Petitioner

Vs.

1. The Superintendent of Police,
Sivagangai District.
2. The Deputy Superintendent of Police,
Sivagangai Town Police Station,
Sivagangai District.
3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.

... Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus to calling for the records relating to the impugned order passed by the 2nd respondent in his proceeding Na.Ka.No.87/Ka.thu.K/Siva Sub Division /2023 dated 11.08.2023 and quash the same as illegal and consequently direct respondents herein to accord necessary permission and provide adequate Police protection on 31.08.2023 for conducting Adal Padal event during evening hours and for conducting rekla race schedule to be held on 31.08.2023 at about 06.00 AM to 07.00 AM



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between Melavaniyakudi to Manamadurai road in connection with Annai Sri veerakalliamman Temple Festival, Melavanyakudi, Sivagangai Taluk, Sivagangai District.

For Petitioner : Mr.A.Shajahan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
for R1 to R3

ORDER

This petition is filed seeking for a direction to the second respondent to accord permission and provide adequate police protection for conducting rekla race on 31.08.2023 at about 06.00 AM to 07.00 AM between Melavaniyakudi to Manamadurai road in connection with Annai Sri veerakalliamman Temple Festival, Melavanyakudi, Sivagangai Taluk, Sivagangai District.

2. According to the petitioner, for the last many years during the Tamil month of Adi, every year celebrations will be conducted in Sri VeeraKalliammal Temple in a grand manner for three days. So far as this year is concerned, the petitioners have decided to conduct celebrations on 22.08.2023, 30.08.2023 and 31.08.2023 in the said temple premises. Accordingly, the petitioners have made elaborate arrangements by

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issuing pamphlets, postures and made facilities for drinking water etc. for visiting devotees and public and have also ensure that there is no law and order problem.

3. It is submitted that they have also decided during the course of festival to conduct rekla race between 6.00 a.m. and 7.00 a.m. on 31.08.2023 and that they have taken all precautions and there will not be any traffic jam between Meelavanyakudi and Manamadurai Road. It is submitted that the festival committee has also taken care for emergency medical health care both for men and animals and submitted that respondents police without any valid reason rejected the permission and therefore, the petitioner has filed the present writ petition.

4. Learned Government Advocate (Crl. Side) submits that the petitioner intending to conduct rekla race on the road which is very narrow and it is very difficult for bullock carts to overtake the other bullock carts during the course of race.



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5. Learned counsel for the petitioner has placed reliance on the orders of this Court in W.P.(MD) No.663 of 2019 dated 18.01.2019, wherein, this Court has directed the concerned police to grant permission for conducting of bullock cart race and the same reads as follows:-

"5. Taking into consideration of the submissions made by the learned counsel on either side, the order impugned in this writ petition is hereby quashed and this Writ Petition is allowed with the following directions:

“a) The participants are directed not to harass the animals;

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

c) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors along with an ambulance in the venue;

d) The petitioner along with participants shall give necessary undertaking that the animals will not be subjected to cruelty and that the provisions of Prevention of Cruelty to Animals Act will not be violated

e) Double meaning songs should not be played so as to spoil the minds of students and the youth;

f) no dance or songs, touching upon any political party or religion, community or caste be played;

g) no flex boards in support of any political party or religious leader be erected;



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h) 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.

i) The participants of the race shall not intake any kind of in-toxic substance or liquor during the programme;

j) If any untoward incident takes place, the organizers of the race be made responsible for the same.

k) Similarly, the Police is empowered to stop the sports meets, if it exceeds beyond the permitted time;

l) The second respondent is at liberty to impose 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."

6. It is open to the second respondent police to impose any further restrictions or to impose any conditions purely in the interest of preserving public order and tranquility. There can be a total ban for putting up any Flex Board representing any community. No costs. consequently, connected miscellaneous petition is closed."

6. Learned counsel for the petitioner has also placed reliance on the orders of a Division Bench of this Court in W.P.(MD) No.2095 of 2023 dated 02.02.2023, wherein, this Court permitted to conduct double bullock cart race on certain conditions.



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7. In both the orders referred above, the issue whether the bullock carts race can be permitted on the roads was not considered. Normally, in the villages the width of the roads may be around between 10 to 20 feet and hardly thereby two bullock carts simultaneously cannot be passed. In a such situation, where bullock carts competitions are held with more than 20 to 40 bullock carts, it is very difficult to conduct the race on the road which certainly results in accidents and accordingly off-tracking of the same of the double bullock carts.

8. Considering the above, the request of the petitioner to grant permission for conducting rekla race on the road cannot be permitted. The petitioner is at liberty expected to identify suitable alternative place and file fresh representation before the respondents police on which they shall consider to grant permission for double bullock cart race by imposing usual conditions.

9. In view of the above, the petitioner is directed to file fresh representation before the police showing alternative place for conducting the double bullock cart rekla race on 31.08.2023 from 6.00 a.m. onwards



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and this petition is disposed of with the following conditions:-

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(a) The participants are directed not to harass the animals;

(b) The petitioner and other participants shall not shout, raise any slogan for or against any party or party leader, any caste, community or creed;

(c) The petitioner shall ensure proper first aid arrangements by keeping one or two doctors along with an ambulance in the venue;

(d) The petitioner along with participants shall give necessary undertaking that the animals will not be subjected to cruelty and that the provisions of Prevention of Cruelty to Animals Act will not be violated;

(e) no flex boards in support of any political party or religious leader be erected;

(f) 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.

(g) The participants of the race shall not intake any kind of in-toxic substance or liquor during the



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programme;

(h) If any untoward incident takes place, the organizers of the race be made responsible for the same.

(i) There shall not be any betting or intoxication of bulls;

(j) There shall not be any betting or intoxication of bulls;

(k) If there is any violation of any one of the conditions imposed above, the concerned Police Officer is at liberty to take necessary action, as per law and stop the rekla race forthwith.

(l) The 3rd respondent is directed to issue necessary permission incorporating the above conditions. No costs. Consequently, connected miscellaneous petition is closed.

29.08.2023

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

Note: Issue order copy on 31.08.2023.

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To

1. The Superintendent of Police,
Sivagangai District.
2. The Deputy Superintendent of Police,
Sivagangai Town Police Station,
Sivagangai District.
3. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

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