



W.P.(MD)No.21110 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.21110 of 2023

B.Gobinath

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Superintendent of Police,
Thanjavur District,
Thanjavur.

3.The Inspector of Police,
Nadukkaveri Police Station,
Thanjavur District.

... Respondents

PRAYER : Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the respondents to grant permission to conduct rekla race and Horse Race to be held on 10.09.2023 at Nadukkaveri to Thirukkattupalli Road, Vellamperambur Village, Thiruvaiyaru Taluk, Thanjavur District, between 06.00 A.M. and 12.00 P.M. based on the petitioner's representation, dated 14.08.2023.



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For Petitioner : Mr.R.Balamuruganantham
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

This petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to the respondent Police to permit the petitioner to conduct rekla race and horse race to be held on 10.09.2023 at Nadukkaveri to Thirukkattupalli Road, Vellamperambur Village, Thiruvaiyaru Taluk, Thanjavur District, between 06.00 A.M. and 12.00 P.M. on the basis of a representation of the petitioner, dated 14.08.2023.

2. It is submitted by learned counsel for the petitioner that since long time in the village during the festival of Arulmigu Sree Muthumariamman Temple, the rekla race and horse race are being conducted and this time, the Temple Committee has decided to organise the rekla race and horse race with forty to fifty participants in the distance of thirteen kilometres from Nadukkaveri to Thirukkattupalli Salai and thereby, the petitioner has filed a representation, dated 14.08.2023 to the respondent Police, however, the respondent Police



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stated to have not granted any permission, thereby, sought for suitable directions.

3. Learned Government Advocate (Criminal Side) while submitting copies of the orders passed by the Deputy Superintendent of Police, dated 30.08.2023, has reported that the request of the petitioner to grant permission for conducting of rekla race and horse race have already been declined on the ground mentioned therein, including that, if permission is granted, there is a possibility of causing inconvenience and accidents to the children, old aged people and in case, if any emergency, there will be a difficulty to have medical care to be provided and will become difficulty for entering the ambulance to reach the village. Learned Government Advocate (Criminal Side) further submitted that the petitioner's brother-in-law, viz., Panjabikesan, has filed a similar application on 11.07.2023 and that was rejected by the respondent Police. Learned Government Advocate (Criminal Side) also fairly submits that, in case, if alternative suitable place i.e., ground is shown, where there is no possibility of occupying any of the roads to the villagers, the respondent Police would consider.



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4. Learned counsel for the petitioner submitted that they are prepared to find out a suitable ground and not a road for conducting of the rekla race and horse race.

5. In view of the above, the petitioner is directed to file a fresh application identifying suitable alternative site (not a road) on discussion with the respondent Police and on filing of such application, the respondent Police are directed to consider the same keeping in view of the fact that the rekla race and horse race is scheduled to be held on 10.09.2023 between 06.00 A.M. and 12.00 P.M. and if it is in order granting permission by imposing conditions including :

“(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;



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(d) There shall not be any betting or intoxication of bulls and horses;

(e) 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 and horse race forthwith.

(f) The 3rd respondent is directed to issue necessary permission incorporating the above conditions.”

6. In view of the above, the writ petition is disposed of. No costs.

31.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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DR.D.NAGARJUN,J

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To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 3.The Inspector of Police,
Nadukkaveri Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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Dated: 31.08.2023