

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&**

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WA.No. 1125 of 2015 ()

(AGAINST THE JUDGMENT IN WP(C).NO. 25231/2014 DATED 08-04-2015)

APPELLANT(S)/PETITIONERS:

1. CATTLE RACE CLUB OF INDIA,
REPRESENTED BY ITS SECRETARY VIPIN.U,
RESIDING AT NEAR S.V.TEMPLE, WEST YAKKARA,
PALAKKAD DISTRICT.
2. KERALA HEREDITARY AGRICULTURIST ASSOCIATION,
REPRESENTED BY ITS SECRETARY, MOIDEEN KUTTY CHUKLI,
AGED 52 YEARS, S/O.CHEKKU HAJI, RESIDING AT MANASAM,
PERUVALLUR POST, MALLAPPURAM DISTRICT - 673 638.
3. K.V.MOHAMMED, AGED 75 YEARS,
S/O.HASSANKUTTY HAJI, RESIDING AT FATHIMA MANZIL,
PONNANI TALUK, KOLALAMBU AMSOM, AYILAKADU DESOM,
AYILAKADU P.O., VIA EDAPPAL.

**BY SRI.S.RAMESH BABU,SENIOR ADVOCATE
ADVS. SRI.P.RAVINDRA NATH
SRI.N.KRISHNA PRASAD
SRI.IMAM GRIGORIOS KARAT**

RESPONDENT(S)/RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF ANIMAL WELFARE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. DISTRICT MAGISTRATE,
PALAKKAD DISTRICT - 678 001.
3. EXECUTIVE MAGISTRATE AND TAHSILDHAR,
PALAKKAD.
4. STATION HOUSE OFFICER,
KUZHALMANNAM POLICE STATION,
PALAKKAD DISTRICT.

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- 5. STATION HOUSE OFFICER,
CHANGARAMKULAM POLICE STATION,
MALAPPURAM DISTRICT.**
 - 6. THE ANIMAL WELFARE BOARD OF INDIA,
REPRESENTED BY ITS SECRETARY, THIRD C WARD,
VALMEKI NAGAR, THIRUBANIYOOR, CHENNAI - 600 001.**
 - 7. THE SOCIETY OF PREVENTION OF CRUELTY TO
ANIMALS (SPCA), IDUKKI, REPRESENTED BY ITS SECRETARY,
ERAPPUZHICKARA BUILDING, PALA ROAD,
THODUPUZZHA.**
- R1 TO R5 BY SR GOVERNMENT PLEADER SRI.P.IDAVIS
R6 BY ADV.SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R7 BY SRI.K.JAJU BABU,SENIOR ADVOCATE
ADV. SMT.M.U.VIJAYALAKSHMI, SC, ANIMAL WELFARE BOARD OF INDIA**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

*** * * * ***

W.A.No.1125 of 2015

Dated this the 8th day of September 2015

J U D G M E N T

Shaffique, J

Petitioners in W.P.C.No.25231 of 2014 are the appellants who challenged the judgment dated 08/04/2015 by which the writ petition has been dismissed by the learned Single Judge. Writ petition has been filed inter alia seeking to quash Exts.P1 to P4 and for a declaration that 'Kannupoottu' or 'Kalapoottu' event conducted by the petitioners in terms of Ext.P5 is legal and not in violation of the provisions of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as 'the Act') or prohibited by the decision of the Supreme Court in **Animal Welfare Board of India v. Nagaraja** [(2014) 7 SCC 547]. The learned Single Judge, after elaborately considering the matter, has found that the law laid down by the Supreme Court in **Nagaraja** (supra) applies to the factual circumstances involved in the matter and the petitioners are not entitled to conduct 'Kannupoottu/Kalapoottu' which have been prohibited by Exts.P1 to P4.

2. It is not in dispute that bulls are used in exhibition as provided under the Act. In view of the notification issued by the Central Government under Section 22 of the Act, there is a clear prohibition to use bulls which are mostly used for 'jallikkattu' as a performing animal. The same principle applies as far as bulls in respect of 'Kannupoottu/Kalapoottu' are concerned.

3. It is brought to our notice that pursuant to the Supreme Court judgment, circular has been issued by the Government of Kerala on 17/01/2015 prohibiting 'Kannupoottu/ Kalapoottu/ Maramadi/Uzhavu' etc. in terms of the said judgment.

Under such circumstances, the judgment of the Supreme Court squarely applies to the facts of the case and we do not think that the learned Single Judge had committed any error in applying the principle laid down in **Nagaraja** (supra), in the facts of this case. We see no ground to interfere with the judgment of the learned Single Judge. Hence this writ appeal is dismissed.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr