

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 9TH DAY OF DECEMBER 2015/18TH AGRAHAYANA, 1937

WP(C).No. 17480 of 2015 (H)

PETITIONER(S) :

**E.V.MOHAMMED ALI,
SON OF MOHAMMEDKUTTY, PALATHINGAL, ULLANAM P.O.,
PIN- 676 603, MALAPPURAM DISTRICT.**

**BY SRI.K.RAMAKUMAR (SENIOR ADVOCATE)
ADVS. SRI.S.M.PRASANTH
SRI.K.ANAND
SRI.C.DINESH
SRI.G.RENJITH
SMT.ASHA BABU
SMT.AMMU CHARLES**

RESPONDENT(S) :

- 1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF ANIMAL WELFARE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM- 695 001.**
- 2. THE DISTRICT MAGISTRATE/THE DISTRICT COLLECTOR,
COLLECTORATE, MALAPPURAM- 676 505.**
- 3. THE SUB INSPECTOR OF POLICE,
TIRURANGADI, PIN- 676 306, MALAPPURAM DISTRICT.**
- 4. THE ANIMAL WELFARE BOARD OF INDIA,
REPRESENTED BY ITS SECRETARY, IIIRD C WARD,
VALMEKI NAGAR, THIRUBANIYOOR, CHENNAI- 600 001.**
- 5. THE SOCIETY OF PREVENTION OF CRUELTY TO ANIMALS(SPCA),
IDUKKI, REPRESENTED BY ITS SECRETARY, ERAPPUZHICKARA
BUILDING, PALA ROAD, THODUPUZHA- 685 584.**

**R1 TO R3 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R4 BY SRI.K.JAJU BABU (SENIOR ADVOCATE)
ADV. SMT.M.U.VIJAYALAKSHMI, S.C
R5 BY ADV. SRI.BRIJESH MOHAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-12-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1:** TRUE COPY OF ORDER NO.L5-2961/2015 DATED 24/01/2015 ISSUED BY R2.
- EXT.P2:** TRUE COPY OF THE REQUEST DATED 07/06/2015 SUBMITTED BY THE PETITIONER BEFORE R3.
- EXT.P3:** TRUE COPY OF CERTIFICATE DATED 02.06.2015 ISSUED BY THE JOINT DIRECTOR (AHD) RED., TIRUR.
- EXT.P4:** TRUE COPY OF NOTICE DATED 07/06/2015 ISSUED BY R3.

RESPONDENT(S)' EXHIBITS & ANNEXURES :

- EXHIBIT R4(A):** TRUE COPY OF THE NOTIFICATION NO.384 DATED 11.07.2011 OF THE GOVERNMENT OF INDIA.
- EXHIBIT R4(B):** TRUE COPY OF THE JUDGMENT DATED 12.03.2012 IN PIL(L)NO.28/2012 OF THE HIGH COURT OF BOMBAY.
- EXHIBIT R4(C):** TRUE COPY OF THE NOTIFICATION NO.5460/AHF-2/13/AD DATED 17.01.2015 OF THE 1ST RESPONDENT.
- EXHIBIT R4(D):** TRUE COPY OF THE JUDGMENT DATED 08.09.2015 IN W.A.NO.1125/2015 OF THIS HON'BLE COURT.
- EXHIBIT R4(E):** TRUE COPY OF THE JUDGMENT DATED 11.09.2015 IN W.P(C).NO.4829/2012 AND CONNECTED CASES OF THIS HON'BLE COURT.
- ANNEXURE R2(A):** THE PHOTOCOPY OF ORDER DATED 17.01.2015 ISSUED BY THE PRINCIPAL SECRETARY.
- ANNEXURE R2(B):** THE PHOTOCOPY OF THE ORDER IN THE I.A.NO.7 IN WRIT PETITION (CIVIL) 743/14, THE HONOURABLE SUPREME COURT OF INDIA DATED 13.05.2015.
- ANNEXURE R2(C):** THE PHOTO COPY OF THE GAZETTED NOTIFICATION OF INDIA DATED 11.07.2011.

//TRUE COPY//

P.A.TO JUDGE.

A.Muhamed Mustaque, J.

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W.P.(C) No.17480 of 2015

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Dated this the 9th day of December, 2015.

JUDGMENT

1. Petitioner approached this court seeking the following reliefs:

“i) to call for the records leading upto Ext.P1 to the extent it is impugned in this writ petition and Ext.P4 and quash the same by the issuance of a writ of certiorari or any other appropriate writ, order or direction.

ii) to declare that the aforesaid circulars of the ban against the Kalappottu festival and Edapoottu in the name of the provisions in the Prevention of Cruelty to Animals Act is violative of Articles 14, 19 and 21 of the Constitution of India.

Iii) to issue a writ of mandamus commanding the respondents to permit the performance of Kalapoottu and Edapoottu using the bulls specially trained for them and maintained for that purposes by the petitioner and to grant him to use the bulls in the festivals without inflicting bodily pain, injury and hurt to them.

iv) to issue such other writs, orders or directions as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. Petitioner in fact approached the authorities seeking permission for 'Edapoottu', which is a part of training for 'Kalapoottu'. Ext.P2 is the request. This was rejected as per Ext.P4 by the Sub Inspector of Police, stating that, in the light of the decision of the Honourable Supreme Court, such a permission cannot be granted. Petitioner now submits that he wants to use 'Kalapoottu' for agricultural activity, which is not prohibited.
3. The petitioner is free to move the appropriate authority with such request and if such application is received, the same shall be considered by the authority, in accordance with law. No relief can be granted by this court in this writ petition. Writ petition is accordingly dismissed.

Muhamed Mustaque, Judge.

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