

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.17574 of 2015

and

M.P.Nos.1 and 2 of 2015

A.Annamalai
Hereditary Trustee
Sri Arulmighu Moongilkuthu
Muniyappan Temple
Neikkarapatty & Post
Salem District 636 010 ...Petitioner

vs

1. The District Collector
Salem District, Salem
2. The Tahsildar
Salem (South), Salem ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the order of the first respondent dated 6.6.2015, in Mu.Mu.16961/2015/C2, and quashing the same and consequently, directing the respondents to forthwith permit the petitioner to conduct the temple bull festival with 6 (six) temple bulls on 23.7.2015, at Sri Arulmighu Moongilkuthu Muniyappan Temple, Neikkarapatty Village and Post, Salem District.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.S.V.Duraisolaimalai
Additional Government Pleader

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is the Hereditary Trustee of Sri Arulmighu Moongilkuthu Muniyappan Temple, Neikkarapatty Village, Salem District, and "Aadi Festival" is being conducted in the said temple on the first Thursday of Tamil Month (Aadi) every year and they are conducting the same for the past several years and

this year, it falls on 23.7.2015, and the villagers from 18 villages used to participate and worship the deity. The petitioner would further submit that traditionally, temple bulls from 18 villages would be brought to the said temple during the festival day and it would be decorated and garlanded and sandal and turmeric paste would be applied on the forehead and the villagers would offer poojas to the temple bulls and thereafter, the temple bulls will be taken around the temple precincts.

3. According to the petitioner, he, in order to do the traditional pooja, has submitted a representation dated 18.5.2015, followed by a reminder dated 22.5.2015, to the first respondent and however, the first respondent vide order dated 6.6.2015, has stated that the Hon'ble Supreme Court of India has passed orders banning the jallikattu and other related sports and therefore, permission cannot be accorded and it was rejected. Challenging the legality of the said order, the present writ petition is filed.

4. Mr. K. Selvaraj, learned Counsel appearing for the petitioner, has drawn the attention of this Court to the interim order dated 17.7.2013, made in M.P.No.2 of 2013 in W.P.No.19060 of 2013, as well as to the order dated 20.2.2015, made in W.P.No.3989 of 2015, and would submit that pursuant to the above said orders, the very same first respondent vide proceedings dated 17.3.2015, has granted permission subject to certain conditions and therefore, the impugned order may be set aside and similar order be passed.

5. The Court heard the submissions of Mr. S.V. Duraisolaimalai, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also. He would submit that since it was apprehended that by conducting the said festival, jallikattu or other similar sports may be performed, the first respondent has rightly rejected the petition submitted by the petitioner, and prays for dismissal of this writ petition.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. As rightly pointed out by the learned Counsel appearing for the petitioner, this Court in similar facts and circumstances, has passed orders permitting "Bull Pooja Festival" and it is relevant to extract the order dated 17.3.2014, passed in W.P.No.6354/2014, as under:-

"This writ petition is filed seeking a direction to the respondents to grant permission to conduct the Temple Bull Festival.

2. Learned Senior Counsel appearing for the petitioner submits that the apprehension of the District authorities that the Bull procession on the festival day i.e. on 19.3.2014 would cause disturbance and law and order problem, is

misplaced. The petitioner has approached this Court earlier in the month of March, 2013. The learned Single Judge of this Court, by an order dated 04.3.2013, after recording the undertaking of the petitioner to ensure smooth and peaceful celebration of the temple bull festival, directed the third respondent to grant permission.

3.Mr.S.T.S.Moorthy, learned Government Pleader, appearing for the respondents submits that if the petitioner files similar undertaking ensuring that the direction of the Hon'ble Supreme Court will be complied with, the authorities will consider and pass orders for grant of permission before the festival to be held on 19.3.2014. In view of the above, the petitioner is permitted to file necessary undertaking on 18.3.2014."

8.In the result, the writ petition is allowed and the impugned order dated 6.6.2015, passed by the first respondent, is set aside and the first respondent is directed to accord permission to the petitioner to conduct the said festival in terms of his earlier order in Na.Ka.6753/2015/C2 dated 17.3.2015. The petitioner under the guise of conducting the said festival, shall not do any activities of sports using the bulls and shall not subject the animals to cruelty. No costs. Consequently, connected miscellaneous petitions are closed.

nsv

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To:

1. The District Collector
Salem District, Salem

2. The Tahsildar
Salem (South), Salem

+ 1 cc to Mr.K.Selvaraj, Advocate SR 30308

+ 1 cc to Govt.Pleader, High Court, Madras SR 30339

br(co)
prk22/6

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