

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3989 of 2015

T.G.Soundararajan
Hereditary Trustee,
Sri Marimman, Kaliamman, Sarva Siddhi Vinayagar,
Muniappan Thirukovilgal ... Petitioner

Vs.

- 1.The District Collector,
District Collectorate Office,
Salem - 636 001.
- 2.The District Superintendent of Police,
Netthimedu,
Salem - 636 002.
- 3.The Inspector of Police
Kondalampatti Police Station,
Jaari Kondalampatti,
Salem - 636 010. ... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 1st respondent dated 06.02.2015 in Mu.Mu.No.3388/2015/C.2. and quash the same and consequently direct the respondents to permit the petitioner to conduct the "Panguni Temple Bull Pooja festival" at the temples at Jaari Kondalampatti village, Salem District on 25.3.2015 subject to reasonable conditions.

For Petitioner : Mr.K.Selvaraj
For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

Heard Mr.K.Selvaraj, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents.

2.The petitioner seeks for issuance of writ of Certiorarified Mandamus to quash the order passed by the first respondent dated 06.02.2015 and consequently to direct the respondents to permit the petitioner to conduct the "Panguni Temple Bull Pooja festival" at the temples at Jaari Kondalampatti village, Salem District.

3.The respondent has rejected the application by relying upon the decision of the Hon'ble Supreme Court which has banned the use of animals as performing animals. The petitioner in the affidavit filed in support of the writ petition has undertaken that only three bulls will be used and they will not be used for as performing animals and the bulls are being worshipped at the time of their festival and the bulls will not be in any manner be tortured or put to inconvenience.

4.Earlier the petitioner had approached this Court by filing a writ petition in W.P.No.6354 of 2014 and the Hon'ble Division Bench by order dated 17.03.2014 directed the authorities to grant permission subject to certain undertaking. The order reads as follows:

"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."

5.In the light of the above direction issued by the Hon'ble Division Bench, this Court is of the view that similar order can be issued in this writ petition also by directing the petitioner to issue similar undertaking ensuring orders of the Hon'ble Division

Bench of this Court will be complied with. The Authorities will consider for grant of permission to conduct the festival on 25.03.2015. The petitioner shall file the necessary undertaking before the first respondent.

6.This writ petition is disposed of with the above observation.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
District Collectorate Office,
Salem - 636 001.
- 2.The District Superintendent of Police,
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Salem - 636 002.
- 3.The Inspector of Police
Kondalampatti Police Station,
Jaari Kondalampatti,
Salem - 636 010.

1 cc to Mr. K.Selvaraj, Advocate, SR.No.9520

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