



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.08.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No.15184 of 2017

Durai Thavamani

.. Petitioner

Vs.

1.The District Collector
Ramanathapuram District.

2.The Superintendent of Police
Ramanathapuram District,

3.The Inspector of Police
R.S.Mangalam Police Station,
Ramanathapuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to grant necessary permission and give adequate police protection to conduct "Erudhukkattu Festival" on 16.08.2017 of Sri Karuppanaswamy Temple situated at Perumal Madai Village, Thiruvadanai Taluk Ramanathapuram District by considering the petitioners representation dated 08.08.2017.

For petitioner

: Mr. S.Ramasamy

For respondents

: Mr.M.Govindan

Special Government Pleader

O R D E R

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

This writ petition has been filed in public interest seeking a direction for granting of necessary permission and adequate police protection to conduct "Erudhukkattu Festival" on 16.08.2017 at Perumal Madi Village, Thiruvadanai Taluk, Ramanathapuram District, in connection with the festival of Sri Karuppanaswamy Temple.

2.The said temple festival is being celebrated in every Tamil Month of Aadi. On account of the controversy in connection with holding of "Jallikattu", the villagers are not been able to celebrate the "Erudhukkattu Festival" also. The third respondent



herein was moved for grant of permission, but there was no response from the third respondent. Therefore, the writ petitioner moved the first and second respondents, for conducting the above festival on 16.08.2017.

3. It is seen that the "Erudhukkattu" is an ancient practice and it is celebrated in connection with the temple festival. This Court can take notice of the fact that "Erudhukkattu" is not comparable to "Jallikattu". When "Jallikattu" is being permitted, there is no need to adopt a different yardstick in the case of "Erudhukkattu". In the case of "Erudhukkattu", there is no racing or taming and no cruelty is being perpetrated on the bull. Therefore, this Court is of the view that the third respondent himself can be directed to grant permission for holding the said "Erudhukkattu Festival". The first respondent has not been designated by any statute as a competent authority in this case. Only in the case of "Jallikattu", the District Collector is the competent authority. "Erudhukkattu" is not Jallikattu, therefore, the third respondent can be directed to grant permission for conducting the said "Erudhukkattu Festival" on 16.08.2017.

4. It is open to the third respondent to incorporate a list of conditions as to how the "Erudhukkattu" should be conducted so as to ensure that no kind of cruelty is committed on the animal. The animal cannot be made to run. If the conditions are violated, it is certainly open to the third respondent to immediately intervene and stop the function. It is open to the third respondent to decide on the extent of bandobust to be provided.

5. As the petitioner has stated that there has been no law and order problem so far, there is no need to give police protection. However, the presence of police may be required to regulate the public. Therefore, the third respondent can take a decision in this regard also.

6. Since the festival has to be conducted on 16.08.2017, the third respondent is directed to issue appropriate proceedings granting permission for conducting "Erudhukkattu Festival" with appropriate conditions on or before 15.08.2017 itself.

7. This Writ Petition is allowed with the above directions. No costs.

Sd/-
Assistant Registrar(AD-II)

/True copy/

Sub Assistant Registrar



To:

1.The District Collector
Ramanathapuram District.

2.The Superintendent of Police
Ramanathapuram District,

3.The Inspector of Police
R.S.Mangalam Police Station,
Ramanathapuram District.

+1cc to Mr.S.Ramasamy,Advocate,SR.72227

W.P. (MD) No.15184 of 2017
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KM/NB

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