

In the High Court of Judicature at Madras

Dated : 04.01.2018

Coram :

The Honourable Mr. Justice R. SURESH KUMAR

WRIT PETITION No.31415 of 2017

M. Munuswamy @ Chinnapaian

...Petitioner

-Vs-

1. State rep. By
The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2. The Inspector of Police,
Law and Order,
R.K. Pettai Police Station,
Tiruthani Taluk,
Tiruvallur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant permission and police protection for conducting 'cock fight' at Vilakkamampoodi Pudur village Near Kanni Koil, R.K. Pettai, Tiruvallur District on 17th, 18th and 19th January 2018.

सत्यमेव जयते

For Petitioner : Mr. M. S. Palaniswamy

For Respondents : Mr. S. Babu, G.A.

WEB COPY

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus directing the respondents to grant permission and police protection for conducting 'cock fight' at Vilakkamampoodi pudur village Near Kanni Koil, R.K. Pettai, Tiruvallur District on 17th, 18th and 19th January 2018.

2. I have heard Mr.M.S.Palaniswamy, learned counsel for the petitioner and Mr.S.Babu, learned Government Advocate appearing for the respondents.

3.It is submitted by the learned counsel for the petitioner that, the petitioner along with a group of persons constituted a committee in their village, who conduct the birth day celebrations of the late Chief Minister Dr.M.G.Ramachandran, for every year. In order to mark the said function, they organise 'cock fight', which is the traditional game during the temple festival. The said 'cock fight' is one of the ancient festival game being organised or conducted in temple festivals and other festivals in the country side.

4.In the yester years, when such function was organised by the petitioner and his group, the respondent police did not give permission or protection and therefore, the petitioner had to approach this court by filing writ petitions and orders were obtained. In this regard, the learned counsel for the petitioner relied upon the orders passed in earlier years i.e., 2014, 2015 as well as in the year 2017. In those years, pursuant to the directions issued by this court, in the respective writ petitions filed by the petitioner, permission as well as protection was given by the respondent police for smoothly conducting the 'cock fight' on the eve of the late Chief Minister Dr.M.G.Ramachandran's birth day celebrations.

5. This year also according to the petitioner, they have organised a function to be conducted on 17th, 18th and 19th January 2018 marking the birth Centenary celebration of late Chief Minister Dr.M.G.Ramachandran, known as 'M.G.R.' and the birthday celebrations of late Chief Minister Selvi J.Jayalaitha. On the eve of the said celebrations, the petitioner and his group has organised the 'cock fight' this year also and for the said purpose in order to get permission and police protection, the petitioner had already given a request on 11.11.2017 to the respondents. However, so far, they have not considered the said request and no permission has been so far given by the respondents. Therefore, this year also, the petitioner was constrained to approach this court, by filing this writ petition seeking appropriate direction to the respondents police.

6. I have heard Mr.S.Babu, learned Government Advocate appearing for the respondents, who would submit that, in the name of 'cock fight' since no untowed incidents be allowed to happen in the locality, the respondents police are more cautious in granting permission and therefore, if the conditions imposed by this court in the earlier orders for granting permission for conducting 'cock fight' are imposed along with some additional conditions to ensure the smooth conducting of such function, the

respondents would consider the said request of the petitioner for grant of permission or police bandobust.

7. I have considered the said submissions made by both sides.

8. As has been pointed out by the learned counsel for the petitioner, in the year 2013 itself in W.P.No.635 of 2013, a learned Judge of this Court by order dated 08.01.2017, passed the following order :

"In the light of the above said earlier Division bench orders, this writ petition stands disposed of with a direction to the respondents to give permission to conduct the cock fight by the petitioner on 17.01.2013 and 18.01.2013 with the supervision of the second respondent as well as any one of the veterinary doctor from Valakkanampoondi Puthu Village, R.K.Pettai Post, Tiruttani Taluk, Tiruvallur District for the purpose of diagnosis of the birds. The petitioner is directed to bear the expenses for providing police supervision and the veterinary doctor attending the supervision."

9. Like that ,similar orders were passed in the year 2014 also in W.P.No.47 of 2014 on 07.01.2014. Even in the last year i.e., 2017, a detailed order has been passed in W.P.No.5687 of 2017, by order dated 10.03.2017. All these years, the said writ petitions had been filed by the petitioner on behalf of the group of people, who organise and conduct such 'cock fight'. In view of the earlier orders passed by this court, pursuant to which, the function as well as the 'cock fight' since had been smoothly run by the petitioner and his group, this court is of the view that there can be no impediment in granting similar direction to the respondents for this year also for the consideration of granting of permission and police bandobust for the petitioner for conducting the function and the 'cock fight'. Accordingly, the following orders are passed in this writ petition.

10. The respondents are directed to grant permission and give police bandobust to the petitioner and his group of persons, who are the organisers of centenary celebrations of late Chief Minister Dr.M.G.Ramachandran and the birthday celebrations of late Chief Minister Selvi.J.Jayalalitha on 17th, 18th, and 19th January 2018 at Vilakkamampoodi Pudur village Near Kanni Koil, R.K.Pettai, Tiruvallur District by imposing the following conditions:

"(i)It is made clear that such an event shall be supervised by the first respondent as well as by the Veterinary Doctor of nearby Government Veterinary Hospital.

(ii)It is further made clear that during the course of conducting 'cock fight', there should not be any injury to be caused to the birds and the birds should not be intoxicated, with any alcoholic substance and no knives should be tied around the legs of the birds, with the tip of the knives dipped in poisonous substances. The Veterinary Doctor shall ensure the same before the actual starting of the event.

(iii)The petitioner shall bear the expenses towards police protection as well as the expenses towards the Veterinary Doctor.

(iv)It is made clear that the organiser should take pre-cautionary measures to avoid any untoward incident while conducting the event of cock- fight.

(v) Songs praising communal leader or having communal overtones should not be played.

(vi)The petitioner will ensure that no flex board or hoardings depicting particular community or leader is displayed.

(vii) All the above terms and conditions should be followed scrupulously by the petitioner and the petitioner shall file an affidavit of undertaking to the said effect before the second respondent.

(viii) The petitioner volunteers to donate a sum of Rs.5,000/- (Rupees Five Thousand only) to any one of the Orphanages in the District and payment of proof shall be produced before the second respondent.

(ix) No one is allowed to enter, except the owner of the Birds which are going to participate in the event.

(x) There is a separate place allocated for the spectators.

(xii) According to the conditions, eligible birds are only allowed to participate in the event. If there are any certain objections being raised, it is taken to the concerned police office to take a decision."

11. It is made clear that the aforesaid conditions shall be strictly followed by the petitioner and his group in all the three days and in the entire function i.e., on 17, 18th and 19th January 2018 and if any violation of these conditions is reported, the respondents police are at liberty to take appropriate action against the petitioner and his group.

12. With these observations and directions, this writ petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2.The Inspector of Police,
Law and Order,
R.K.Pettai Police Station,
Tiruthani Taluk,
Tiruvallur District.

+1cc to Mr.M.S.PALANISAMY Advocate, S.R.No. 590

W.P.No.31415 of 2017

KAN(CO)
TR(08/01/2018)