



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. (MD) No.7086 of 2018

and

W.M.P. (MD) Nos.6789 and 6790 of 2018

P.S.Innasi Sesuraj

: Petitioner

-Vs-

1.The Secretary to the Government,  
Revenue Department,  
State of Tamil Nadu,  
Secretariat,  
Fort St. George,  
Chennai-600 009.

2.The Secretary to the Government,  
State of Tamil Nadu,  
Department of Animal Husbandry,  
Milk and Fish, Secretariat,  
Fort St. George,  
Chennai-600 009.

3.The District Collector,  
Dindigul District, Dindigul.

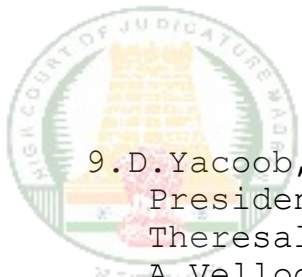
4.The Superintendent of Police,  
Dindigul District, Dindigul.

5.The District Revenue Officer,  
Dindigul District, Dindigul.

6.The Tasildar,  
East Taluk, Dindigul District.

7.The Inspector of Police,  
Ambathurai Police Station,  
Dindigul District.

8.The Secretary,  
Animal Welfare Association,  
110, East Govinthapuram,  
Dindigul.



9.D.Yacoob,  
President of Perya Kovil Punitha  
Theresal Santhyagappar Kovil,  
A.Vellode Village, Dindigul.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the third respondent in Na.Ka.No.37221/2017/C2, dated 19.03.2018, quash the same as illegal and forbearing the 9th respondent from conducting the Jallikkattu on 02.04.2018 based on the orders passed by the third respondent in Na.Ka.No.37221/2017/C2, dated 19.03.2018.

|                      |                                                         |
|----------------------|---------------------------------------------------------|
| For Petitioner       | : Mr.T.Selvam                                           |
| For Respondents 1to8 | : Mrs.J.Padmaavathi Devi,<br>Special Government Pleader |

### O R D E R

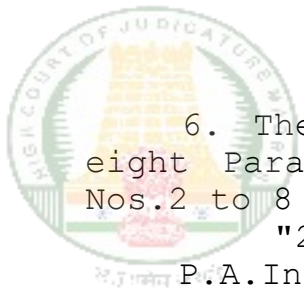
Mr.T.Selvam, learned counsel on record for the writ petitioner is before this Court. Mrs.J.Padmaavathi Devi, learned Special Government Pleader accepts notice on behalf of the official respondents 1 to 7. The learned Special Government Pleader accepts notice on behalf of respondent No.8 also. In the light of the submissions made before me today and in the light of the order which I propose to pass, I am of the view that it may not be necessary to issue notice to the respondent No.9. It will suffice, if there is a direction to the Registry to send a copy of this order to respondent No.9, who is a private respondent.

2. In a nutshell, the entire issue in this Writ Petition pertains to conduct of an event 'Jallikattu' at Jallikattu Veethi, A.Vellodu, Dindigul Taluk, Dindigul District.

3. The central theme of the controversy is that the writ petitioner in this Writ Petition and respondent No.9 before me had made applications for conducting Jallikattu at the above said venue. The above said venue being Jallikattu Veethi, A.Vellodu, Dindigul Taluk, Dindigul District shall hereinafter be referred to as 'said venue' for the purpose of convenience and clarity.

4. Learned Special Government Pleader brings to my notice that said venue is a notified venue qua conduct of Jallikattu and there is no dispute or disagreement with regard to that.

5. Earlier, when both the writ petitioner before me and respondent No.9 made applications for conduct of Jallikattu at the said venue, post applications, alleging inaction on the part of State, both filed two separate Writ Petitions, viz., W.P.(MD)Nos.63 and 735 of 2018. Both the Writ Petitions came to be disposed of by a common order by a Division Bench of this Court. This common order is dated 13.02.2018.



6. The aforesaid common order of the Division Bench runs to eight Paragraphs and I deem it appropriate to extract Paragraph Nos.2 to 8 for the sake of convenience and clarity:

"2.The petitioner in W.P.(MD)No.63 of 2018 is one Thiru P.A.Innasi and he seeks for a direction upon the official respondents to grant permission for conducting Jallikattu on 11.02.2018 in Jallikattuveethi, A.Vellodu, Dindigul Taluk, Dindigul District, by considering his petition dated 12.12.2017.

3.The petitioner in W.P.(MD)No.735 of 2018 is one Thiru D.Yacoob and the prayer sought for is to direct the official respondents 1 to 4 to grant permission to conduct Jallikattu on 21.01.2018 in connection with the temple festival. In this Writ petition, Thiru P.A.Innasi, who is the Writ petition in W.P.(MD)No.63 of 2018, has been impleaded as the fifth respondent.

4.When the Writ petition in W.P.(MD)No.63 of 2018 came up for hearing earlier, this Court suo motu impleaded Thiru V.Velayutham, President of Arul Migu Annai Bhagavathi Amman Thirukkivil, East Street, A.Vellodu, Dindigul District and today he is present in Court.

5.From the records placed before this Court, it appears that there has been dispute with regard to who has to conduct the Jallikattu for the current year. Record of the proceedings shows that last year, the District Revenue Officer by order dated 13.02.2017 has granted permission to Thiru P.A.Innasi, who was heading the Jallikattu celebration committee to conduct the said festival subject to certain conditions and it is stated that the festival was conducted successfully.

6.The petitioner in W.P.(MD)No.735 of 2018 appears to be a new entrant, who claims that the Jallikattu is the village festival, which is seriously disputed by Thiru P.A.Innasi, stating that it is a temple festival. In this regard, it is relevant to refer to the order passed by the District Revenue Officer dated 13.02.2017, by which, permission was granted for conducting Jallikattu during the last year and the said permission was for a temple festival viz., Punitha Santhiyagappar Thiruvella and we also find that Thiru P.A.Innasi, was the petitioner in the earlier Writ petition in W.P.(MD)No.1179 of 2013. Pursuant to which, the order dated 13.02.2017 was passed during the last year.

7.Thiru V.Velayutham is present in Court and he submitted that he is not a person whose desirous of conducting the festival, but, he acknowledges that the petitioner namely, Thiru P.A.Innasi group have been conducting the festival and if he is called, he will come and perform a holy ritual on the bull before starting the Jallikattu event.



8. In the light of the above, we dispose of these Writ petitions with the following directions:

i) Considering the above observations and taking note of the fact that Thiru P.A. Innasi was the petitioner in the earlier Writ petition in W.P.(MD)No.1179 of 2013 and an order dated 13.02.2017 in Na.Ka.No.2977/2017/C2 was passed for granting permission to conduct Jallikattu in connection with the temple festival, we direct the District Collector, Dindigul District to consider the application of the petitioner dated 12.12.2017 and pass orders within a period of two weeks from the date of receipt of the copy of this order. While doing so, the permission granted earlier should also be taken into consideration.

ii) Insofar as an application made by the petitioner in W.P.(MD)No.735 of 2018, we direct the District Collector, Dindigul District to consider his request separately and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. It is open to the District Collector, Dindigul District to fix appropriate date, time and also place for conducting Jallikattu."

7. Pursuant to the aforesaid order of the Division Bench, the jurisdictional District Collector, i.e., the District Collector, Dindigul District granted permission to Respondent No.9 before me, vide order dated 19.03.2018 bearing Reference No.Na.Ka.No.37221/2017/C2. Assailing the aforesaid order of the District Collector (to be noted, the District Collector is respondent No.3 before me), the writ petitioner has filed the instant Writ Petition.

8. In the course of the hearing, I wanted to know if the application given by the writ petitioner on 12.12.2017 has been processed and if any orders have been passed, pursuant to afore-extracted order of Division Bench.

9. The learned Special Government Pleader, on instructions, submitted that the application of the writ petitioner dated 12.12.2017 was processed and an order was passed on 09.03.2018 bearing Reference No.Na.Ka.No.37221/2017/C2. Pursuant to the aforesaid permission, I am informed that the writ petitioner has also conducted the event on 12<sup>th</sup> March, 2018 i.e., 12.03.2018 at the said venue. This position is not disputed by the writ petitioner.

10. Therefore, it is clear that pursuant to the aforesaid order of the Division Bench, both the applications i.e., application given by the writ petitioner as well as application given by respondent No.9 have been processed and orders have been passed.

<https://hcservices.courts.gov.in/hcservices/> included to supra, order dated 19.03.2018 passed in favour of the respondent No.9 is called in question in the instant Writ Petition.



12. I am also informed that pursuant to the order that has been called in question, the event commenced today in the forenoon and is now under way. I am also informed that the event timings is 08.00 a.m., to 03.00 p.m.

13. Under such circumstances, Mr.T.Selvam, learned counsel for the writ petitioner submits that the grievance and apprehension of the petitioner is, when the writ petitioner makes an application in the ensuing year, the same may not be considered and orders may not be passed.

14. To this, the learned Special Government Pleader submits, on instructions, that if the writ petitioner makes an application for the ensuing year, the same will also be processed and orders will be passed in accordance with the Tamil Nadu Regulation of Jallikattu Act, 2009 by the third respondent i.e., the District Collector, Dindigul District. To be noted, this will not preclude the third respondent Collector from processing any application if given by the respondent No.9 in the ensuing year. However, as already directed by the Division Bench, vide order dated 13.02.2018, further applications, if any in the ensuing year or years to come, should have to necessarily be processed in accordance with the Tamil Nadu Regulation of Jallikattu Act, 2009.

15. As there is no dispute that said venue is a notified venue, the afore-mentioned stand of the State counsel puts an end to the controversy in the instant Writ Petition. It douses and puts to rest the apprehension of the writ petitioner qua ensuing year.

16. The order that may be passed in the ensuing year in the application that may be given by the writ petitioner or respondent No.9 shall be communicated to the writ petitioner or respondent No.9, within three working days from the date of the order irrespective of the outcome.

17. With the above direction, the instant Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

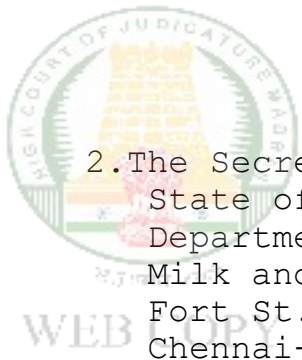
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

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Revenue Department,  
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Secretariat,  
Fort St. George,  
Chennai-600 009.



- 2.The Secretary to the Government,  
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President of Perya Kovil Punitha  
Therisal Santhyagappar Kovil,  
A.Vellode Village, Dindigul.

Order made in  
W.P. (MD) No. 7086 of 2018  
Dated: 02.04.2018

sml  
JM/SKN RSK/SAR 3/17.04.2018/6P/10C