



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.729 of 2018
and
W.M.P.(MD)No.816 of 2018

M.Selvam

.. Petitioner

Vs.

1. The Home Secretary to Government,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Director General of Police,
Office of the Director General of Police,
Beach road, Chennai-600 008.
3. The District Collector,
Office of the District Collector,
Madurai District,
Madurai.
4. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.
5. The Inspector of Police,
Avaniyapuram Police Station,
Avaniyapuram, Madurai.

6. A.K.Kannan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents 1 to 5 from according permission to respondent No.6 and his men to conduct Jallikattu, a bull taming sport on 14.01.2018 at Avaniyapuram in Madurai District without giving communal representation in the Jallikattu committee to all the community as held before from the beginning.



WEB COPY

For Petitioner : Mr.S.Malaikani
For Respondents : Mr.A.K.Baskara Pandian
Additional Government Pleader
for R.1 to R.5
: Mr.T.Lajapathi Roy for R.6

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner is a resident of Thanthai Periyar Nagar, Avaniyapuram, Madurai and came forward to file the present Writ Petition styled as Public Interest Litigation. According to him, it is a regular practice for the people of Avaniapuram crossing across religious and communal barrier, used to conduct Jallikattu during the month of "Thai" on the eve of festival of pongal. The petitioner would further state that he came across an information that the Jallikattu will be conducted on 14.01.2018 and however, it was not preceded by any meeting with the participation of the people belonging to all community. However, a notice for invitation has been printed, as if the sixth respondent is the President of the Committee, one Periyasamy is the Vice President, Thiru.M.Ramasamy is the Secretary, Thiru.A.Mayandi is the Treasurer and Thiru.K.Packiathevar, Thiru.R.Karuppiah, Thiru.S.Pitchai, Thiru.C.Chokkesh are the part of the said committee.

2. The petitioner also expressed that the consent of the people belonging to all community is not taken prior to the conduct of Jallikattu on 14.01.2018 and it would definitely create law and order problem and the people belonging to other community, on 08.01.2018, had also submitted a representation to the Collector of Madurai District and the Commissioner of Police, Madurai City.

3. It is also a specific stand of the petitioner that unless prior communal representation given and a committee constitutes to conduct Jallikattu representing them, there may not be a smooth conduct of the said function and in the result, law and order would be a casualty and in this regard, he has also submitted a representation, dated 08.01.2018 and 10.01.2018 to the respondents and since it failed to invoke any kind of response, the petitioner came forward to file the present writ petition.

4. The learned Counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that the persons named in the notice, without getting concurrences or consents from the people belonging to all community, are conducting jallikattu positively on 14.01.2018 and the said fact was brought to the knowledge of the concerned respondents and the last of the said representation, dated 10.01.2018 was also given to the respondents 1 and 2 and would pray that the conducting of the said festival on 14.01.2018 may be postponed and the Collector of Madurai District as well as the Commissioner of Police, Madurai City



shall take into consideration the representation submitted by the petitioner and ensure that the conduct of Jallikattu, having the representation of the people belonging to all community and prays for appropriate orders.

5. Per contra, Mr.A.K.Baskara Pandian, learned Additional Government Pleader appearing for the Official respondents would submit that the application to conduct Jallikattu festival was received, as before the stipulated time and it has been processed and permission is also accorded to conduct the said function on 14.01.2018 and the petitioner, espousing his private cause and personal grievance, at the last moment, had approached this Court and he is also having an effective alternative remedy and prays for dismissal of the writ petition.

6. Mr.T.Lajapathi Roy, learned Counsel appearing for the sixth respondent would submit that since the sixth respondent has fully complied with the directions as well as the Tamil Nadu Amendment Act 1 of 2017, the District Collector has rightly accorded permission and because of his personal grievance and in order to stall the conduct of Jallikattu on 14.01.2018, the petitioner had approached this Court at the very last moment.

7. It is also the submission of the learned Counsel appearing for the sixth respondent that even an individual can move the jurisdictional Collector for conducting Jallikattu festival and till end of May, he can also do so and prays for dismissal of the writ petition.

8. This Court has considered the rival submissions and perused the materials placed before this Court.

9. A perusal of the representations submitted by the petitioner to the Official respondents, would disclose that he is espousing his personal cause and therefore, this Court of the considered view that this writ petition cannot be filed as a Public Interest Litigation.

10. Be that as it may, it is a categorical stand of the sixth respondent that after fulfilling all the norms as contemplated under the Tamil Nadu amendment Act 1 of 2017, his application to conduct Jallikattu on 14.01.2018 was positively considered and necessary permission has also been accorded and the invitations have also been printed and wide publicity had also been given.

11. The petitioner, in his representation dated 08.01.2018 prayed for appropriate direction that Jallikattu is to be conducted with the participation of all the community and having realised the fact that the sixth respondent obtained permission, made a turn around and submitted a representation dated 10.01.2018 to the respondents 1 and 2, requesting them not to accord any such permission, to substantiate the fact that the petitioner, in order



to get redressal of his personal grievance, thought fit to approach this Court.

12. It is the stand of the Official respondents that necessary permission has been granted to the sixth respondent to conduct Jallikattu festival on 14.01.2018, after thoroughly scrutinizing his application and only after the fulfilment of the compliance of the relevant norms only, such permission was accorded.

13. It is also pertinent to point out at this juncture that the first representation of the petitioner was submitted on 08.01.2018 and the last of the representation was submitted on 10.01.2018 and between two days, he had approached this Court praying for the positive relief, that too, alleging Public Interest Litigation. It is a well settled law that after submission of representation, some breathing time is to be given to the concerned Officials, to consider and dispose of the representation.

14. It is well settled position of law that a Mandamus can be issued directing the Authority to perform their statutory function. However, the petitioner is unable to point out, by according necessary permission, how the relevant statutory provision has been violated as to the grant of permission to the sixth respondent to conduct Jallikattu. As the petitioner is pursuing and prosecuting his personal cause, and also in the light of the above reasons, this Court is of the considered view that the present writ petition lacks merits and substance and therefore, the Writ Petition is dismissed. However, in the facts and circumstances of the case, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Home Secretary to Government,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Director General of Police,
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Madurai District, Madurai.



4. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

5. The Inspector of Police,
Avaniyapuram Police Station,
Avaniyapuram, Madurai.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 42609
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 42520

SSL

TE/MR/SAR-3 : 01/02/2018 : 5P/8C

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