



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

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W.P. (MD) No.12526 of 2018

V.Neethivelan

: Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.

3.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

4.The Sub Inspector of Police,
Soorakudi Police Station,
Thoothukudi District.

: Respondents

(R3 and R4 are impleaded as per order dated
14.06.2018 in WMP(MD) No.11699/2018)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to grant permission for conducting "Erudhu Kattu Vizha" which is scheduled to be taken place on 04.07.2018 in connection with the temple festival of Arulmigu Sri Muneswarar Kovil, Pallakulam, Vaippar Post, Vilathilulam Taluk, Thoothukudi District on the strength of his representation dated 04.06.2018.

For Petitioner : Mr.R.Anand

For Respondents : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader

O R D E R

The present writ petition is filed for a direction, directing the third respondent to grant permission for conducting Erudhu Kattu Vizha scheduled to be held on 04.07.2018 in connection with the temple festival of Arulmigu Sri Muneswarar Kovil, Pallakulam, Vaippar Post, Vilathilulam Taluk, Thoothukudi District.

<https://hcservices.courts.madras.gov.in/hcservices>
Mr.J.Gunaseelan Muthiah, the learned Additional Government Pleader takes notice for the respondents and obtained instructions.



3. The only apprehension of the learned Additional Government Pleader is that there may be any law and order problem.

4. The learned counsel appearing for the petitioner would affirm that not even a single incident had happened affecting the law and order in that area. He would rely on the judgment of this Court in W.P.(MD) No.14616 of 2017 dated 04.08.2017. The Hon'ble Division Bench of this Court in that case had an occasion to deal with the similar circumstances. The Hon'ble Division Bench has observed about the Erudhu Kattu Vizha and issued a positive direction in favour of the organizers of the festival in the following lines:

"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 fourth 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 "Jallikkattu", the District Collector is the competent authority. "Erudhukkattu" is not Jallikattu, therefore, the fourth respondent can be directed to grant permission for conducting the said "Erudhukkattu Festival" on 09.08.2017.

4. It is open to the fourth 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 fourth respondent to immediately intervene and stop the function. It is open to the fourth respondent to decide on the extend 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 fourth respondent can take a decision in this regard also.

6. Since the festival has to be conducted on 09.08.2017, the fourth respondent is directed to issue appropriate proceedings granting permission for conducting "Erudhukkattu Festival" with appropriate



conditions on or before 08.08.2017 itself."

5. Considering the facts and circumstances of the case, a direction is issued to the third respondent Inspector of Police, Vilathikulam Police Station, to issue appropriate proceedings granting permission for conducting "Erudhukkattu Vizha" and to regulate the public with appropriate conditions.

6. This writ petition is ordered accordingly. No costs.

Sd/

Assistant Registrar (W)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.
3. The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
4. The Sub Inspector of Police,
Soorankudi Police Station,
Thoothukudi District.

+1cc to Mr.R.ANAND, Advocate, SR.No. 68536

+1cc to M/s.Special Government Pleader, SR.No. 68368

W.P. (MD) No.12526 of 2018
14.06.2018

ARUL

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