



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD) No.11942 of 2019

S.Sudalai Muthu

: Petitioner

Versus

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Taluka Police Station,
Tirunelveli District.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent Nos.1 and 2 to consider the petitioner's representation dated 09.05.2019 and thereby grant permission and police protection at state expenditure for the culminating sports event of Horse Cart Race & Small and big bullock cart races on 23rd June, 2019 between 06.00 a.m., to 10.00 Am for Arulmighu Pudiasamy Koil situated on the south bank of Alwhar Neri Tank, Udyarkulam Village, Naduvaikurchi revenue Firka, Palayamkottai Taluk, Tirunelveli District.

[prayer amended as per the order of this Court dated 21.06.2019 in W.M.P. (MD) No.9642 of 2019]

For Petitioner : Mr.P.Bhaskar

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 09.05.2019 seeking for permission and police protection to conduct Horse Cart Race and also Small and big bullock cart races on 23rd June, 2019 between 06.00 a.m., to 10.00 Am for Arulmighu Pudiasamy Koil situated on the south bank of Alwhar Neri Tank, Udyarkulam Village, Naduvaikurchi Revenue Firka, Palayamkottai Taluk, Tirunelveli District.

2. According to the petitioner, every year, the petitioner and other villagers are conducting a "Kodai festival" for the above said Temple and conducting bullock cart race and horse cart race. Now, this year also, they are proposed to conduct horse cart race and small and big bullock cart races, for which, they have sought for permission from the second respondent police, which was not considered so far. Hence, the present Writ Petition has been filed.



3. The learned counsel appearing for the petitioner would contend that every year, the villagers are conducting the Kodai festival and it is usual practice to conduct all those cart races in connection with the festival of the above said temple and the second respondent police is also giving permission. But, this year, the petitioner's application seeking permission is still pending with the second respondent without any consideration. However, due to passage of time, it would be suffice, if the petitioner is permitted to give a fresh representation indicating the date on which the cart races to be conducted and the same may be considered and appropriate orders be passed within the time stipulated by this Court.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that earlier, the Hon'ble Supreme Court in **Animal Welfare Board of India vs. A.Nagaraj in Civil Appeal No.5387 of 2014**,

has held that conducting Jallikattu was in violation of the provisions of the Prevention of Cruelty to Animals Act, 1960, thereby conducting Jallikattu and other bullock cart race in Tamil Nadu has been stopped. Subsequently, the Central Government has issued a notification in the year 2016, permitting the bulls as a performing animal, by which, Jallikattu was permitted in Tamil Nadu. However, the above notification has been stayed by the Hon'ble Supreme Court. Thereafter, the Tamil Nadu Government amended the above Act, and by virtue of the amendment under Section 2(dd), Jallikattu has been performed in Tamil Nadu. However, the amendment only relates to the conduct of Jallikattu and conducting the bullock cart race is not permitted under the Act. Hence, no permission can be granted for conducting bullock cart race.

5. I have considered the rival submissions.

6. Considering the facts and circumstances of the case, without going into the merits of the case, the petitioner is directed to give a fresh representation to the second respondent forthwith. On receipt of such representation, the second respondent is directed to consider the same and pass suitable orders on merits and in accordance with law on or before 26.06.2019.

7. The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Taluka Police Station,
Tirunelveli District.

+1cc to Mr.P.BHASKAR, Advocate, SR.No. 70446

W.P. (MD) No.11942 of 2019

SML

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