



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

WP(MD)No.12467 of 2019

and

WMP(MD)No.9296 of 2019

Baskar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries
Department, Secretariat, Fort St.George,
Chennai.
2. The Director, Animal Husbandry and Veterinary
Services, Central Office Building,
Block - II, DMS Compound, Teynampet, Chennai.
3. The District Collector,
Dindigul District,
Dindigul.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in his proceedings in Na.Ka.No.38010/2018/C2 dated 16.05.2019 and quash the same as illegal and consequently directing the third respondent to grant permission to the petitioner for conducting the Jallikattu event on 31.05.2019 by including the petitioners village of Punitha Injanjar Church at Anumantharayan Kottai, Dindigul District in the Dindigul District Gazette.

For Petitioner : Mr.S.Kameswaran
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader

ORDER

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The writ petitioner hails from Anumantharayanankottai Village, Dindigul District. There is a church located in their village. The writ petitioner wanted to conduct Jallikattu event in connection with the church festival during the month of May, 2019. A request was made by the petitioner on 03.04.2019. The third respondent by



the impugned order dated 16.05.2019 has rejected the said request. Challenging the same, this writ petition has been filed.

2.The learned counsel appearing for the writ petitioner contended that they have been conducting the Jallikattu event for the past several years and that therefore, the third respondent should be mandated to grant permission.

3.We are not persuaded by the submission made by the petitioner's counsel. As rightly contended by the learned Special Government Pleader appearing for the respondents, the village in question must be notified in the District Gazette. There is nothing on record to indicate that Jallikattu was traditionally celebrated in connection with the petition mentioned festival. The writ petitioner has filed a typed set of papers. In the typed set of papers, excepting the festival notice dated 07.05.2017 and reports from the Medical Officer dated 07.05.2017, there is nothing on record to indicate that Jallikattu was traditionally performed in the said village. The writ petitioner is probably right in his contention that during 2017 Jallikattu was conducted. But then, conducting of Jallikattu for one year or even for a few years cannot give rise to legal right as such.

4.This Court cannot lose sight of the fact that in many of the Jallikattu events there has been loss of lives and causing of injuries to the bulls and the participants. Since cruelty to the animals is apparent, the Hon'ble Supreme Court went to the extent of saying "no" to the event in question. But then, there has been legislative intervention later. Therefore, this Court is bound to construe the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017, only in a strict manner. Only villages where Jallikattu has been traditionally performed since time immemorial are entitled to conduct Jallikattu.

5.Conducting of Jallikattu cannot become a fashion. Villages where jallikattu was never conducted cannot now seek to join the list of such villages. The writ petitioner's village is one such where Jallikattu was not performed traditionally. Only in the year 2017, they managed to conduct Jallikattu. That cannot furnish a cause for permitting them to conduct the event year after year. The third respondent has correctly applied the law and finding no merits in the writ petitioner's request, rejected the same. We see no ground to interfere with the impugned order. It is accordingly sustained. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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To

1. The Principal Secretary to Government,
Animal Husbandry, Dairying and Fisheries
Department, Secretariat, Fort St. George, Chennai.
2. The Director, Animal Husbandry and Veterinary
Services, Central Office Building,
Block - II, DMS Compound, Teynampet, Chennai.
3. The District Collector,
Dindigul District, Dindigul.

+1 CC to SPL GP (SR-66494[F] dated 30/05/2019)

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and

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29.05.2019

SKM

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