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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.NO.8162 OF 2022
AND
W.M.P.NO.8162 OF 2022

P.Duraisamy

... Petitioner

.Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Fort St. George,
Chennai - 600 009.
2. The Director,
Animal Husbandry and Veterinary Services,
Chennai - 600 006.
3. The District Collector,
Office of the District Collector,
Thirupatthur District.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Thirupatthur District.
5. The Assistant Director,
Department of Cattle Maintenance,
Thirupatthur,
Thirupatthur District.
6. The Tahsildar,
Natrampalli Taluk,
Thirupatthur District.
7. The Inspector of Police,
Ambalur Police Station,
Thirupatthur District.

... Respondents



PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the third respondent to grant permission and protection to conduct 'Eruthu Vidum Vizha' (Jallikattu festival) on 29.03.2022 or any other date between 8 a.m. to 5 p.m. at 'Karikundumedu' in Pachaiyappan circle of Thekkupattu Village in Natrampalli Taluk, Thirupatthur District by considering petitioner's representation dated 16.03.2022.

For Petitioner : Mr.N.Ponraj

For Respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader

ORDER

[Order of this Court was delivered by T.RAJA, J.]

Mr.P.Duraisamy, the petitioner herein has filed this petition seeking a direction to the third respondent to grant permission and protection to conduct 'Eruthu Vidum Vizha' (Jallikattu festival) on 29.03.2022 or any other date between 08.00 a.m. to 05.00 p.m. at 'Karikundumedu' in Pachaiyappan circle of Thekkupattu Village in Natrampalli Taluk, Thirupatthur District by considering his representation dated 16.03.2022.

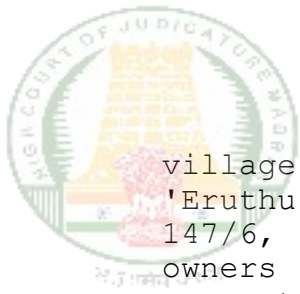
2. Learned counsel appearing for the petitioner submitted that the petitioner, who is the President of the Temple Festival Committee, is looking after the entire activities to conduct 'Eruthu Vidum Vizha', which is a part and parcel of the village festival and not only the petitioner's village and also the relatives in the adjacent villages are also participating in the said programme. However, the first respondent had issued a Notification, giving permission to conduct Jallikattu in the petitioner's village Thekkupattu and in the last year, respondents 5 and 6 and all other concerned authorities have visited the petitioner's village and made inspection and granted 'No Objection Certificate' to conduct the function in the usual place called 'Karikundumedu' in Pachaiyappan Circle. In this regard, the petitioner made a representation to the respondents herein and others on 13.01.2021 requesting to grant permission and protection to conduct the above programme, but, the same has not been considered. In the above circumstances, the petitioner has filed a Writ Petition in W.P. No.1754 of 2021 before this Court seeking for issuance of a writ of Mandamus directing



respondents 4 and 7 to grant permission and protection to conduct 'Eruthu Vidum Vizha' (Jallikattu Festival) on 27.01.2021 or any other date from 8.00 a.m. to 5.00 p.m. at Thekkupattu Village in Natrampalli Taluk, Thirupattur District by considering his representation dated 13.01.2021. In spite of issuance of Notification and the representation given by the petitioner, the respondents have not come forward to consider the request to conduct the programme. Therefore, a direction may be issued to consider the request of the petitioner to conduct the above programme.

3. Learned counsel appearing for the petitioner further submitted that the petitioner was regularly organising the said event. In support of his submission, he has also produced an order dated 06.04.2018 passed by this Court in W.P. No.7971 of 2018 seeking a direction to the respondents therein to grant permission to conduct 'Eruthu Vidum Vizha' on 06.04.2018 and this Court, taking note of the fact that the the date fixed for conducting the said function was expired, giving liberty to the petitioner to file a fresh representation along with the copy of the order, disposed of the writ petition. Therefore, the respondent cannot refuse or deny the request made by the petitioner.

4. Learned Special Government Pleader appearing for the respondents, reiterating the averments made in the counter affidavit dated 06.04.2022 filed by the Tahsildar, Natrampalli Taluk, Tirupattur District, submitted that on 16.03.2022, the petitioner has sent a representation to the Tahsildar stating that he is the President of Festival Committee and requested to grant permission to conduct the 'Eruthu Vidum Vizha' on 29.03.2022 at Karikundumedu. While the same is pending for enquiry, on 21.03.2022, one P.Natarajan and Thekkupattu Village people have submitted a representation to conduct the 'Eruthu Vidum Vizha' on 05.04.2022 or 12.04.2022 at Muniyuran Vattam at Thekkupattu Village. In the year 2020, due to covid-19 pandemic situation, the above programme was not conducted and in the year 2021, in Thekkupattu Village, one group of people demanded to conduct the above programme at Pachaiyappan vattam and another group demanded to conduct the Eruthu Vidum Vizha at Mariyammal Kovil Street. Therefore, a Peace Committee Meeting was conducted by the Revenue Divisional Officer and Police Officials between the groups and the same was ended in vain. Considering the representation of the petitioner, the Tahsildar, Tirupattur District, conducting an enquiry with Thekkupattu Village people, came to know that the petitioner is not the President of Festival Committee and one P.Natarajan is appointed as a President of Festival Committee and the said P.Natarajan and



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village people have submitted a representation to conduct the 'Eruthu Vidum Vizha' at Muniyuran Vattam in S.Nos.147/1, 147/3, 147/6, 157/2, 156/4E, 156/4F, 156/4G and 156/4H and the land owners of the said survey numbers have also submitted their consent and no objection letter to conduct the 'Eruthu Vidum Vizha' at their lands. However, the Festival Committee President Natarajan, other Festival Committee Members and village people have submitted their affidavit stating that they will conduct the 'Eruthu Vidum Vizha' as per the rules and regulations laid down by the Hon'ble Supreme Court and this Court and as per the instructions issued by the State Government. In view thereof, a Peace Committee Meeting was conducted on 31.12.2021 by the Tahsildar and all the Festival Committee Members have agreed to conduct the 'Eruthu Vidum Vizha' without any law and order problem. Thereafter, there was a dispute arose between the groups and therefore, once again, on 12.03.2022, the Revenue Divisional Officer has conducted a Peace Committee Meeting that also ended in vain. Thereafter, the petitioner has given a separate representation on 16.03.2022 as if he is the President of Festival Committee and the said P.Natarajan and village people have submitted their representation on 21.03.2022 to conduct the 'Eruthu Vidum Vizha'. Thereafter, in the spot inspection conducted on 30.03.2022, it was found that the Muniyuran Vattam is located nearby the Village and Samundiyamman Vattam is located 1 km. distance from the Village and the Karikundumedu is located 3 kms. away from the Village. As the village people have conducted 'Eruthu Vidum Vizha' at Muniyuran Vattam in the year 2019 and the village people and land owners have expressed their willingness to conduct the 'Eruthu Vidum Vizha' at Muniyuran Vattam, the concerned authorities have also granted permission for the 'Eruthu Vidum Vizha' at Thekkupattu Village. Therefore, the representation given by the petitioner has not been considered.

5. When the petitioner comes forward to hold 'Eruthu Vidum Vizha' in his village to commemorate the festival, suitable and convenient place has been fixed by the Peace Committee, in which all the villagers took part along with one P.Natarajan, who was appointed as a President of the Festival Committee. Therefore, we do not find any justification on the part of the petitioner to say that he should be given full responsibility to conduct the said festival in different places. When the first respondent has also taken earnest efforts to hold repeated Peace Committee Meeting, in which, it has been decided to hold the festival at Muniyuran Vattam and now the Tahsildar, Tirpattur District has also submitted a proposal vide Na.Ka.A1/21/2021 dated 01.04.2022 to the District Collector for granting permission to conduct the 'Eruthu Vidum Vizha' at Thekkupattu Village, we are not inclined to entertain this writ petition, finding no merit in the same.



Accordingly, this writ petition stands dismissed. Consequently, W.M.P. No.8162 of 2022 stands closed. No costs.

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Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

1. The Principal Secretary,
The State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Director,
Animal Husbandry and Veterinary Services,
Chennai - 600 006.
3. The District Collector,
Office of the District Collector,
Thirupatthur District.
4. The Superintendent of Police,
Office of the Superintendent of Police,
Thirupatthur District.
5. The Assistant Director,
Department of Cattle Maintenance,
Thirupatthur,
Thirupatthur District.
6. The Tahsildar,
Natrampalli Taluk,
Thirupatthur District.
7. The Inspector of Police,
Ambalur Police Station,
Thirupatthur District.

+1cc to Mr.N.Ponraj, Advocate, S.R.No.24851

W.P.NO.8162 OF 2022 AND
W.M.P.NO.8162 OF 2022

GSM(CO)
PBS/01/06/2022