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W.P.No.944 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

Writ Petition No.944 of 2023

C.Kailasam

.. Petitioner

Vs.

1.The District Superintendent of Police,
Erode District,
Erode.

2.The Inspector of Police,
Bhavani Police Station,
Bhavani 638 301,
Erode District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to grant permission and police protection to conduct cock fight in the event of 'Kumbabishekam' festival from 14.01.2023 to 18.01.2023 in the premises of Mariamman Temple, in Kombukkadu, Mylambadi Post, Bavani Taluk, Erode District, by considering the representation dated 23.12.2022.

For Petitioner : Mr.P.Raja

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER



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(Order of the Court was delivered by V.M.VELUMANI,J.)

The present Writ Petition is filed directing the respondents to grant

permission and police protection for conducting “Cock Fight” in the event of 'Kumbabishekam' festival from 14.01.2023 to 18.01.2023 in the premises of Mariamman Temple, in Kombukkadu, Mylambadi Post, Bavani Taluk, Erode District, by considering the representation dated 23.12.2022.

2.By consent of both the learned counsel appearing for the petitioner as well as Mr.P.Gurunathan, learned Additional Government Pleader, who takes notice for the respondents, the writ petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner as well as Mr.P.Gurunathan, learned Additional Government Pleader appearing for the respondents and perused the entire materials on record.

4.The petitioner is seeking permission and police protection for conducting Cock Fight in the event of 'Kumbabishekam' festival from 14.01.2023 to 18.01.2023 in the premises of Mariamman Temple, in Kombukkadu, Mylambadi Post, Bavani Taluk, Erode District. According to the petitioner, 'Kumbabishekam' festival is being conducted every 12



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years during Pongal season and the main sports event in the said festival is cock fight. Therefore, the petitioner has sent a representation dated 23.12.2022 to the 2nd respondent for permission. Since the 2nd respondent has not passed any order, the petitioner has come out with the present writ petition. Learned counsel for the petitioner further submitted that in view of intervening holidays the petitioner may be permitted to conduct cock fight from 27.01.2023 to 29.01.2023.

5. In support of his contention, the learned counsel appearing for the petitioner relied on the order passed by this Court dated 16.02.2021 made in W.P.Nos.670, 757 and 698 of 2021.

6.Learned Additional Government Pleader appearing for the respondents submitted that at the time of event, there should not be any betting, the cocks should not be intoxicated and no knives should be tied around the legs of the cocks. He further submitted that respondents would consider the representation of the petitioner and pass appropriate orders.

7.Considering the above submissions made by the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents, the respondents are directed to



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consider the representation of the petitioner dated 23.12.2022 taking into consideration the Circular Memorandum dated 09.04.2019 issued by the Director General of Police, Tamil Nadu, Chennai-600 004, in Rc.No.007301/Genl-1(1)/2019 enumerating the directions for sports events and grant permission and give police protection for conducting cock fight event from 27.01.2023 to 29.01.2023 in the premises of Mariamman Temple at Kombukkadu, Mylambadi Post, Bavani Taluk, Erode District, subject to the following conditions:

(i) It is made clear that such an event shall be supervised by the respondents as well as the veterinary doctor of near by Government Veterinary Hospital.

(ii) It is further made clear that during the course of conducting “Cock Fight”, there should not be any injury to be caused to the birds and the birds should not be intoxicated with any alcoholic substance and no knives should be tied around the legs of the birds, with the tip of the knives dipped in poisonous substances. The veterinary doctor shall ensure the same before the actual starting of the event.

(iii) The petitioner shall bear the expenses towards police protection as well as the expenses towards the Veterinary doctor.

(iv) It is made clear that the organizer should take pre-



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cautionary measures to avoid any untoward incident while conducting the event of cock-fight.

(v) Songs praising communal leader or having communal overtones should not be played.

(vi) The petitioner will ensure that no flex board or hoardings depicting particular community or leader is displayed.

(vii) The petitioner volunteers to donate a sum of Rs.30,000/- (Rupees Thirty Thousand only) to Avvai Home, Adyar, Chennai and payment of proof shall be produced before the respondents.

(viii) No one is allowed to enter, except the owner of the birds which are going to participate in the event.

(ix) Separate place to be allocated for the spectators.

(x) According to the conditions, eligible birds are only allowed to participate in the event. If there is any certain objections being raised, it is to be taken to the concerned Police Station to take a decision.

(xi) It is also made clear that neither the petitioner nor any of the parties/participants shall indulge in any gambling activities.



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(xii) All the above terms and conditions should be followed scrupulously by the petitioner and the petitioner shall file an affidavit of undertaking to the said effect before the respondents.

8.It is made clear that aforesaid conditions shall be strictly followed during the event and if there is any violation, it is open to the respondents police to take action immediately in accordance with law.

9.With the above directions, the writ petition is disposed of. No costs.

(V.M.V., J) (R.H., J)
12.01.2023

Index : Yes/No

Neutral Citation : Yes/No

Note:Issue order copy on 20.01.2023.

dm



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To

1.The District Superintendent of Police,
Erode District,
Erode.

2.The Inspector of Police,
Bhavani Police Station,
Bhavani 638 301,
Erode District.



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**V.M.VELUMANI,J.
and
R.HEMALATHA,J.**

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