



W.P.No. 12227 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **20.04.2023**

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI**

**W.P.No. 12227 of 2023
and
W.M.P.Nos. 12073, 12075 & 12078 of 2023**

Alagumalai Village Panchayat
Represented by its elected President
R. Thooyamani

... Petitioner

Vs.

1. State of Tamil Nadu
Represented by its Principal Secretary to Government,
Animal Husbandry, Dairying, Fisheries
and Fishermen Welfare (AH3) Department,
Nandanam,
Chennai – 600 035.
2. The Collector,
Tiruppur District,
Tiruppur.
3. The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.
4. The Assistant Commissioner,
Hindu Religious & Charitable Endowments
Department,
Palladam Road,
Tiruppur – 641 604.



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5. The Zonal Joint Director,
Animal and Husbandry Department,
Tiruppur District.
6. S. Palanisamy,
President,
Alagumalai Jallikattu Kaalaigal Nala Sangam,
Thonguttipalayam Village,
Tiruppur South Taluk,
Tiruppur District – 641 665.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari, calling for the records relating to the order of the first respondent in G.O.(D) No. 304 dated 17.04.2023 and quash the same.

For Petitioner : Mr. S. Doraisamy

For Respondents : Mr. R. Shunmuga Sundaram
Advocate General
Assisted by Mr. A. Selvendran
Special Government Pleader
for respondents 1 to 3 and 5
Mr. R. Shunmugasundaram
Advocate General
Assisted by Mr. Arun Natarajan
Special Government Pleader
HR &CE for fourth respondent
Mr. V. P. Senguttuvel
Senior Counsel
for Mr. S.P. Parthasarathy
for sixth respondent



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4. According to the petitioner, Jallikattu event is unknown to the villagers of Alagumalai and they have never participated in bull Tackling nor the bulls of the village were made to participate in the Jallikattu conducted by the sixth respondent. But the sixth respondent has collected huge money from the viewers, ranging from Rs. 500/- to Rs. 5000/-, apart from the money collected from Advertisement Hoardings. The sixth respondent, being the organizer of Jallikattu, had approached the District Collector, Tiruppur / second respondent, to conduct the said event at the property in question in Survey Nos. 36 and 37/1 of Alagumalai Village. On an earlier occasion, the sixth respondent had made a similar request before the second respondent, seeking permission to conduct the event at Survey No.38 of Alagumalai Village. The District Collector has considered the objection of the petitioner panchayat and rejected the claim of the sixth respondent by stating that the subject matter of land is not feasible for conducting Jallikattu events. The sixth respondent did not prefer any appeal and hence, the said rejection order has become final.

5. That being so, the sixth respondent, being an influential person, had approached the Government and obtained G.O.Ms.No.304 dated 17.04.2023, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare



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(AH3) Department, for conducting the event in the said village on 23.04.2023. Therefore, the petitioner had made several objections that if the said event is conducted in the said place, it would be violative of the procedure and guidelines framed by the Government. Hence he had filed the present writ petition before this Court.

6. The learned counsel for the petitioner submitted that without following the Standard Operating Procedure (SOP), the sixth respondent is going to conduct the events, in the land in question, on 23.04.2023. The learned counsel for the petitioner drew the attention of this Court to Rules 3(2) 3(3) and 3(4) of the Tamil Nadu Prevention of Cruelty to Animals (Conduct of Jallikattu) Rules, 2017 (hereinafter referred to as 'the Rule), wherein the Government has framed guidelines for the procedure to be followed to conduct Jallikattu. Therefore, the learned counsel submitted that the Collector shall ensure that the names and other particulars of the participants in the Jallikattu are registered and the Collector shall also inspect the venue selected for the conduct of Jallikattu. Since such procedure is not followed in the present case, the said event is violative of the aforesaid Rules.



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7. The learned counsel for the petitioner has also drew the attention of the Court to Section 2(dd) of the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017 (hereinafter referred to as 'the Act'), wherein it is stated that pursuant to the Government Order, the District Collector has to notify in the District Gazette, as per the Act and without following the said Act, the sixth respondent cannot conduct Jallikattu event in the Alagumalai Village, which is illegal, unjustifiable and hence, this Court has to pass appropriate orders.

8. The Learned Advocate General appearing for the respondents 3 to 5, on instructions, would submit that the Government has passed G.O.Ms.No.304 dated 17.04.2023, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (AH3) Department, for conducting the events in the said village on 23.04.2023 and as per the Act, Alagumalai Village has been notified in the Government Gazette to conduct Jallikattu events, Therefore, there is no substance in the argument advanced by the learned counsel for the petitioner.

9. Learned Advocate General further submitted that on an earlier occasion, the 6th respondent approached the District Collector for conducting



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Jalikattu and the same was rejected by stating that the land in Survey No. 38 in Alagumalai Village is not feasible for conducting Jallikattu events by taking into consideration, the extent of the land and other factors. The second respondent / District Collector also had made an alternate suggestion to the sixth respondent to conduct the event in Survey No.36. The sixth respondent has made an application to grant permission to conduct Jallikattu events in S.No.36, 37/1 and so far, the second respondent has not passed any final orders and filing a writ petition at this stage is premature and therefore, he seeks for the dismissal of the writ petition.

10.Mr. V.P.Senguttuvel, learned Senior Counsel appearing for the sixth respondent submitted before this Court that the Government has issued G.O.Ms.No.304 dated 17.04.2023, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (AH3) Department for conducting the events in the same village on 23.04.2023. Therefore, the sixth respondent has placed all the details before the second respondent/District Collector and it has been informed that the said land is suitable for Jallikattu events. Hence the sixth respondent has to make necessary arrangements for conducting the Jallakattu event on 23.04.2023. At this stage, they have filed the writ petition before this Court.



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11. Learned Advocate General submitted that as of now, the said application is under examination of the District Collector, Tiruppur and no final decision has taken by the District Collector, Tiruppur namely the second respondent.

12. Heard the parties concerned and perused the material on record.

13. On a reading of the aforesaid provisions of the said Act, it is clear that the State Government has to notify for conducting Jallikattu under Section 3 of the said Act and that conduction of jallikattu is subject to rules and regulations, as may be framed by the State Government shall be permitted. In view of the said provisions, the Government has issued G.O.Ms. 7 dated 21.01.2017 in Appendix to G.O.(MS) No. 7, Animal Husbandry Dairying and Fisheries (AH3) Department, dated 21.01.2017, where the Government has framed the guidelines and procedure for conducting jallikattu events. Therefore if any such application being received from the organizer, the District Collector concerned has to follow the procedure for conducting the Jallikattu.



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14. The learned counsel appearing for the petitioner also agreed that the objection of the petitioner may be considered by the District Collector and appropriate decision may be taken before considering the application of the sixth respondent under the provisions of the aforesaid Act.

15. Therefore, considering the said facts and the provisions of the Act and that the application of the organizer of the 6th respondent, is pending with the District Collector and no final decision has been taken, in the interest of justice, it is appropriate to issue the following directions:

(i) The petitioner shall make an objection to the second respondent for the conduct of Jallikattu events, on or before 20.04.2023;

(ii) On receipt of the same, the second respondent / District Collector, Tirupppur is directed to consider the said objection independently, if any received on or before 20.04.2023 and to take appropriate decision and to pass orders on its own merits and in accordance with law, on or before 22.04.2023.



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16. With the above, the writ petition stands disposed of. No costs.
Consequently, connection miscellaneous petitions are closed.

(D.K.K., J.) (K.G.T., J.)

20.04.2023

Intex : Yes/No
Internet : Yes/No
mrn

Note: Issue Order on 21.04.2023

To

1. State of Tamil Nadu
Represented by its Principal Secretary to Government,
Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (AH3)
Department, Nandanam, Chennai – 600 035.
2. The Collector,
Tiruppur District, Tiruppur.
3. The Revenue Divisional Officer,
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4. The Assistant Commissioner,
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