



Writ Petition No.19656 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 06.07.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**Writ Petition No.19656 of 2023**

Kalaivanan

S/o.Narayanasamy

...Petitioner

Vs

1.The Inspector of Police,  
Santhavasal Police Station,  
Tiruvannamalai District.

2.The District Collector,  
Tiruvannamalai District.

... Respondents

[R2 *suo motu* impleaded by this Court  
vide order dated 06.07.2023]

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying to direct the respondents to consider the petitioner's representation dated 21.06.2023 seeking permission and to grant police protection for conducting Kalaividum Thiruvizha in the event of the temple festival of Sri Mariyamman Koil situated at Arunthathiyar Palayam, A.K.Padavedu Village, Polur Taluk, Tiruvannamalai District, scheduled to be held on 09.07.2023.

For Petitioner : Mr.B.S.Ramesh

For Respondents : Mr.A.Damodaran  
Additional Public Prosecutor

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**ORDER**

The District Collector, Tiruvannamalai District, is *suo motu* added as the second respondent.

2. Mr.A.Damodaran, learned Additional Public Prosecutor, takes notice for second respondent.

3. This writ petition has been filed for a direction to the respondent police to grant permission and police protection for conducting 'Kalaividum Thiruvizha', which forms part of the temple festival of Sri Mariyamman Koil situated at Arunthathiyar Palayam, A.K.Padavedu Village, Polur Taluk, Tiruvannamalai District.

4. When the matter came up for admission on 04.07.2023, this Court directed learned Additional Public Prosecutor to take instructions and report before this Court.

5. When the matter was taken up for hearing today, learned Additional Public Prosecutor produced G.O.(Ms) No.8, Animal Husbandry



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Dairying and Fisheries (AH3) Department, dated 21.01.2017, which is a notification published u/s.2(dd) of the Prevention of Cruelty to Animals Act, 1960. By virtue of this notification, Jallikattu can be conducted only in those districts and specific villages, which have been notified. On carefully going through the same, it is seen that Tiruvannamalai District has not been added in the notification and hence, insofar Jallikattu is concerned, it cannot be conducted in any village at Tiruvannamalai District.

6. Learned counsel for petitioner brought to the notice of this Court an earlier order passed in W.P.No.16191 of 2023, dated 25.05.2023 where permission was given for conducting 'Kalaividum Thiruvizha' in a village at Tiruvannamalai District.

7. In the considered view of this Court, permission cannot be granted by this Court in a mechanical fashion disregarding a notification that is in force. Such notification is issued by including the districts and respective villages, after taking into consideration the situation prevailing therein and various other factors. Such exercise done by the authorities cannot be sidelined and this Court cannot keep granting permission. Ultimately, if



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something untoward happens, it is only the revenue authorities and the police, who are made answerable.

8. Learned counsel for petitioner submitted that already several representations were made to the District Collector, Tiruvannamalai District, in this regard to add the villages in the Tiruvannamalai District also in the notification. However, no efforts were made to act upon those representations. Learned counsel further submitted that the earlier permission that was granted by this Court did not result in any untoward incident and hence, requested this Court to grant permission to conduct 'Kalaividum Thiruvizha' festival.

9. The petitioner may be having a genuine grievance with regard to the fact that Tiruvannamalai District has not been added in the notification and as a result, none of the villages in Tiruvannamalai District will be able to conduct Jallikattu. The notification has been issued in the year 2017 and for nearly six years, there has been no change and the authorities have not considered adding Tiruvannamalai District in the notification. The authorities must keep in mind the local customs and practices and must act



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accordingly. The persons belonging to a particular district should not be deprived of their customs and practices when such practices are recognized insofar as the other districts are concerned. Therefore, it is high time that the District Collector of Tiruvannamalai District takes action to get the villages in Tiruvannamalai District also notified in the Government Order, after conducting enquiry. Only if such notification is made, it will give a permanent solution for the persons belonging to the villages at Tiruvannamalai District to conduct Jallikattu during the relevant point of time. Till then, in the considered view of this Court, this Court cannot parallelly keep granting permissions without any basis. Therefore, even though this Court is not inclined to grant the relief as sought for in the writ petition, this Court has taken efforts to find a permanent solution to the problem by giving necessary directions to the District Collector, Tiruvannamalai District.

10. In the light of the above discussion, there shall be a direction to the District Collector, Tiruvannamalai District, to immediately take necessary steps to include the villages belonging to Tiruvannamalai District in the notification after following the proper procedure. This exercise shall



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**N.ANAND VENKATESH, J**

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be completed by the District Collector, Tiruvannamalai, within a period of three (3) months from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the District Collector, Tiruvannamalai District, along with a copy of this order.

This Writ Petition is disposed of in the above terms. No costs.

**06.07.2023**

**Note to office: Issue order copy by 10.07.2023**

Index : Yes/No

Speaking order: Yes/No

Neutral citation: Yes/No

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To

1.The Inspector of Police,  
Santhavasal Police Station,  
Tiruvannamalai District.

2.The District Collector,  
Tiruvannamalai District.

3.The Public Prosecutor,  
High Court, Madras.

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