



W.P.(MD)No.2130 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.02.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.2130 of 2023

M.Basheer Ahmed

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Sulakkarai,
Viruthunagar – 626002.

2.The Superintendent of Police,
Viruthunagar,
SH 44, District Collectorate,
Sulakkarai,
Viruthunagar – 626002.

3.The Additional Superintendent of Police,
Viruthunagar,
SH 44, District Collectorate,
Sulakkarai,
Viruthunagar – 626002.

4.The Inspector of Police,
Veeracholan Police Station,
Viruthunagar – 626002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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respondents grant permission to conduct Kida-Muttu cultural event on guise of the Pongal festival on 12.02.2023 at Santhaikadai Maidanam, Veeracholan Village, Thiruchuli Taluk, Virudhunagar District-626612.

For Petitioner : Mr.K.Jayaraman
For R1 : No appearance
For R2 to R4 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents to grant permission to conduct Kida-Muttu cultural event on guise of the Pongal festival on 12.02.2023 at Santhaikadai Maidanam, Veeracholan Village, Thiruchuli Taluk, Virudhunagar District.

2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents 2 to 4. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the writ petitioner would submit that the writ petitioner is the President of Indian National League



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(Political Party) and as part of pongal festival every year, they conduct the event of 'Kida-Muttu' at Santhaikadai Maidanam, Veeracholan Village, Thiruchuli Taluk, Virudhunagar District. According to the writ petitioner, the said event is conducted without any violence, cruelty to the goats, participating in the event and without any untoward incident. He would further submit that in order to conduct the said event on 22.01.2023, they sought permission of the police, but the respondents would not allow to conduct the 'Kida-Muttu' event and hence, the writ petitioner sent a representation dated 24.01.2023 seeking permission to conduct the said event on 12.02.2023, but, the respondents have not considered the said representation. Since no order was passed, the writ petitioner has come before this Court for the above said relief.

4. The learned Additional Public Prosecutor appearing for the respondents 2 to 4, on instructions, would submit that conduct of the event 'Kida-Muttu' is a cognizable offence as defined under Sections 31 and 11(l)(n) of the Prevention of Cruelty to Animals Act, 1960 and the permission sought for by the writ petitioner is in violation of Sections 11(l)(n) and 26 of the Act.



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5. The learned counsel appearing for the writ petitioner would submit that this Court passed order permitting cock-fight, imposing certain conditions and similar order may be passed in this writ petition also. He would further submit that they are now planned to conduct the said event on 19.02.2023.

6. I have considered the submission of the learned counsel appearing for the writ petitioner and the learned Additional Public Prosecutor appearing for the respondents 2 to 4.

7. This Court, in similar circumstances, allowed W.P.(MD)No. 10771 of 2013 by order dated 05.07.2013 permitting cock-fight, imposing certain conditions. Following the said order, the writ petitioner is directed to file a fresh representation before the third respondent incorporating the date and time and on such representation, the third respondent is directed to grant permission to the writ petitioner to conduct 'Kida-Muttu' event on 19.02.2023 at Santhaikadai Maidanam, Veeracholan Village, Thiruchuli Taluk, Virudhunagar District, subject to the following conditions:-



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“(i) The 'Kida-Muttu' event to be held on 19.02.2023 shall be supervised by the fourth respondent as well as by the Veterinary Doctor of nearby Government Veterinary Hospital.

(ii) During the course of conducting 'Kida-Muttu', it is to be ensured that there should not be any injury caused to the goats, involving in the event, and the goats should not be intoxicated with any alcoholic substance and to knives should be tied around the legs, horns of the goats, with the tip of the knives dipped in poisonous substances. The Veterinary Doctor shall ensure the same before 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 organizers should take all precautionary measures to avoid any untoward incident while conducting the event of 'Kida-Muttu'.

(v) The respondent police officials while issuing the proceedings permitting the holding of the event shall impose necessary conditions in addition to the conditions mentioned above.



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(vi) 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 third respondent.

8. The writ petition is allowed on these terms. No costs.

08.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

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2. The Superintendent of Police,
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3. The Additional Superintendent of Police,
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4.The Inspector of Police,
Veeracholan Police Station,
Viruthunagar – 626002.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Order made in
W.P.(MD)No.2130 of 2023

Dated: 08.02.2023