



W.P.(MD) No.2095 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.2095 of 2023

Dhanaventhana

... Petitioner

-VS-

1.The Superintendent of Police,
Thanjavur District
Thanjavur.

2.The Inspector of Police,
Peravurani Police Station
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in C.No.06/G2-PVI PS/2023 on the file of the 2nd respondent police as illegal and violative of the natural justice and consequently direct the 2nd respondent to grant permission and protection for conducting the double bullock card and horse race on 05.02.2023 at about 07.00 a.m as a part of annual temple



W.P.(MD) No.2095 of 2023

WEB COPY

festival of Shri Aadaikkalam Kaththa Ayyanar Kovil from Hundial Bus Stand, Avanam Road, Ponkadu-Peravurani.

For Petitioner : Mr.Dr.Murugesan

For Respondents : Mr.S.Ravi,
Additional Public Prosecutor

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Petitioner, who is a resident of Aananthavalli Vaikkal, South Street, Ponkadu, Peravurani, Thanjavur District, has filed this Writ Petition, challenging the impugned order passed by the 2nd respondent, the Inspector of Police, Peravurani Police Station, Thanjavur District, refusing permission to conduct double bullock cart and horse race on 05.02.2023 at about 07.00 a.m as a part of annual temple festival of Shri Aadaikkalam Kaththa Ayyanar Kovil from Hundial Bus Stand, Avanam Road, Ponkadu-Peravurani.



W.P.(MD) No.2095 of 2023

WEB COPY

2. Learned counsel appearing for the petitioner would submit that the petitioner along with the village people made a representation on 26.01.2023 to the second respondent, seeking permission to conduct double bullock cart and horse race on 05.02.2023. However, the second respondent has rejected their request, citing flimsy reasons.

3. The learned counsel for the petitioner would further submit that when the annual temple festival of Shri Aadaikkalam Kaththa Ayyanar Kovil is being celebrated every year by all the village people without any discrimination in respect of caste, community and religion, the double bullock cart and horse race will be a part of the said temple festival and therefore, the same cannot be refused. Inasmuch as the refusal of this double bullock cart and horse race would amount to refusal of celebrating the annual temple festival of Shri Aadaikkalam Kaththa Ayyanar Kovil and without conducting the double bullock cart and horse race, the temple festival cannot be completed and therefore, the respondents should have allowed the said prayer.



W.P.(MD) No.2095 of 2023

WEB COPY

4. In response, we have heard the learned counsel appearing for the respondents.

5. As the annual temple festival of Shri Aadaikkalam Kaththa Ayyanar Kovil is being conducted every year by all the village people without discrimination in respect of caste, community and religion and as a part of temple festival, the double bullock cart and horse race have been conducted from time immemorial and therefore, in our considered opinion, the same cannot be interrupted. As rightly mentioned before us that when double bullock cart and horse race are all forming part of the celebration of the temple festival of Shri Aadaikkalam Kaththa Ayyanar Kovil and without performing the said race, the temple festival would become infructuous, Moreover, the villages were left with no other entertainments except the temple festival, which consisting of other cultural programme and the games, like, bullock cart and rekla race, we do not find any justification in the impugned order passed by the second respondent. When the double bullock cart and horse race are indicating the cultural heritage and Tamil culture, denying the same would amount to interfering with the growth of Tamil heritage and culture. Therefore, the impugned order passed by the



W.P.(MD) No.2095 of 2023

second respondent is liable to be set aside.

6. At this juncture, it is pertinent to note that this Court, on an earlier occasion in W.P.No.21366/2022, vide order dated 12.08.2022 has granted permission to conduct rekla race, subject to the following conditions:

“(a) The rekla race in connection with the 75th Year Independence Day and Aadi Festival by considering the petitioner's representation dated 05.08.2022 be held on 14.08.2022 between 9.00 a.m. to 12.00 p.m. from Bhavani to Appukudal Road;

(b) There shall not be any betting or intoxication of bulls;

(c) If there is any violation of any one of the conditions imposed above, the concerned Police Officer is at liberty to take necessary action, as per law and stop the rekla race forthwith.

(d) The 3rd respondent is directed to issue necessary permission incorporating the above conditions.”

7. Following the said order, we are inclined to allow this petition. Further, the bullock cart and horse race are going to be conducted on Sunday in the early



W.P.(MD) No.2095 of 2023

WEB COPY morning, we do not find any hesitation to grant permission.

8. Accordingly, the impugned order passed by the second respondent is set aside and this Writ Petition is allowed, subject to the following conditions:

(a) The double bullock cart and horse race be held on 05.02.2023 at about 7.00 a.m. from Hundial Bus Stand, Avanam Road, Ponkadu-Peravurani;

(b) There shall not be any betting or intoxication of bulls;

(c) If there is any violation of any one of the conditions imposed above, the concerned Police Officer is at liberty to take necessary action, as per law and stop the double bullock cart and horse race forthwith; and

(d) The 2nd respondent is directed to issue necessary permission incorporating the above conditions.

No costs.

[T.R., A.C.J.] [D.K.K., J.]
02.02.2023

NCC : Yes / No
Index : Yes / No
RR/VSM



WEB COPY



W.P.(MD) No.2095 of 2023

To:

- 1.The Superintendent of Police,
Thanjavur District
Thanjavur.
- 2.The Inspector of Police,
Peravurani Police Station
Thanjavur District.



WEB COPY



W.P.(MD) No.2095 of 2023

THE HON'BLE THE CHIEF JUSTICE
and
D.KRISHNAKUMAR, J.

RR/VSM

W.P.(MD)No.2095 of 2023

02.02.2023