



WEB COPY

W.P.(MD)No.8745 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

W.P.(MD)No.8745 of 2023

Mariyaselvaraj

... Petitioner

-VS-

1. The Principal Secretary,
Animal and Husbandry Welfare Department,
Secretariat,
Chennai.

2. The Commissioner,
Animal and Husbandry Welfare Department,
Anna Salai, Nandanam, Chennai.

3. The District Collector,
Sivagangai District,
Sivagangai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd Respondent in Na.Ka.D1/3796/2023 dated 23.02.2023 and quash the same and consequently direct the 3rd respondent to recommend the petitioner's village to the 1st and 2nd Respondents to include the Gazette Notification and permit the petitioner to conduct Vadamadu Manjuvirattu based on the



G.O(MS)No.7 Animal Husbandry Dairying and Fisheries (AH3)
Department dated 21.07.2017.

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For Petitioner : Mr.N.Jeyaram Sidharth
For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

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

Mr.P.Thilakkumar, learned Government Pleader takes
notice for the respondents.

2. The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd Respondent in Na.Ka.D1/3796/2023 dated 23.02.2023 and quash the same and consequently direct the 3rd respondent to recommend the petitioner's village to the 1st and 2nd Respondents to be included in the Gazette Notification and permit the petitioner to conduct Vadamadu Manjuvirattu, based on G.O(MS)No.7 Animal Husbandry Dairying and Fisheries (AH3) Department, dated 21.07.2017.



3. Learned counsel appearing for the petitioner would submit that the petitioner's village is consisting of 1000 families and most of the villagers are agriculturists. In the petitioner's village, every year, Vadamadu Manjuvirattu is conducted enabling the villagers to take part in the said event. When there was a Jallikattu protest, people from the petitioner's village supported the protest, as a result, the Jallikattu has been justified. The petitioner also made a representation to the respondents 1 and 2 to include his village in the Gazette notification for conducting Vadamadu Manjuvirattu, but the 2nd respondent by non application of mind, rejected the said request.

4. Learned counsel for the petitioner would further submit that recently, the 3rd respondent has recommended to the respondents 2 and 3 to include other villages in the Gazette Notification. Based on the said recommendation, the 1st respondent has issued G.O(D)No.268, dated 31.03.2023 by including four new villages. Therefore, the learned counsel submitted that there is no justification or reason to exclude the petitioner's village, as a result, the villagers of the petitioner's village are not able to hold Vadamadu Manjuvirattu. Learned



counsel further contended that the 1st respondent cannot discriminate the petitioner on the one hand by not allowing to conduct Vadamadu Manjuvirattu and on the other hand include other villages in the Gazette Notification enabling them to hold Vadamadu Manjuvirattu. Hence, the impugned order is liable to be set aside.

5. Heard both sides.

6. It is the contention of the petitioner that Vadamadu Manjuvirattu is conducted every year from time immemorial and the respondents have rejected the request of the petitioner to include the petitioner's village in the Gazette Notification. Perusal of the impugned order shows that rejection for conducting Vadamadu Manjuvirattu has been made on the ground that the petitioner's village has not produced any evidence with regard to the organization of Vadamadu Manjuvirattu and that the petitioner's village is not listed out in the Gazette Notification. We do not find any justification in the impugned rejection order. We are of the view that the petitioner should be permitted to conduct the said event on par with other villages in the Gazette



Notification. Learned counsel for the petitioner submitted that for this year, Vadamadu Manjuvirattu is scheduled to be held during the month of May 2023. Considering the fact that the event of Vadamadu Manjuvirattu is conducted from time immemorial and the fact that the petitioner's village is not included in the Gazette Notification while other villages have been included, the impugned order is quashed. We direct the 3rd respondent/District Collector, Sivagangai District to pass orders permitting the petitioner to conduct Vadamadu Manjuvirattu subject to other conditions. Such an exercise shall be completed within a period of ten days from the date of receipt of a copy of this order.

7. The Writ Petition is allowed accordingly. No costs.

[T.R., A.C.J.] [R.S.M., J.]
26.04.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
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To

1. The Principal Secretary,
Animal and Husbandry Welfare Department,
Secretariat,
Chennai.



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T.RAJA, A.C.J.
and
R.SUBRAMANIAN, J.

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2. The Commissioner,
Animal and Husbandry Welfare Department,
Anna Salai, Nandanam, Chennai.

3. The District Collector,
Sivagangai District,
Sivagangai.

ORDER MADE IN
W.P.(MD)No.8745 of 2023
DATED : 26.04.2023