



W.P(MD)No.13355 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.13355 of 2023

Muthukumar

... Petitioner

Vs.

1.The Superintendent of Police,
Superintendent of Police Office,
Thanjavur District.

2.The Deputy Superintendent of Police,
Papanasam Sub-Division,
Thanjavur District.

3.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to impugned rejection order issued by the third respondent dated 30.05.2023 and quash the same and consequentially directing the respondents to grant permission to conduct Bullock Cart Race and Horse Race scheduled to be held on 25.06.2023 at keela Kabisthalam to Ganapathy Agraharam in Papanasam Taluk, Thanjavur District.



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For Petitioner : Mr.K.Suyambuling Bharathi
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to impugned rejection order issued by the third respondent dated 30.05.2023 and quash the same and consequentially directing the respondents to grant permission to conduct Bullock Cart Race and Horse Race scheduled to be held on 25.06.2023 at keela Kabistharam to Ganapathy Agraharam in Papanasam Taluk, Thanjavur District.

2. Mr.B.Nambiselvan, learned Additional Public Prosecutor takes notice for the respondents.

3.Heard both sides.

4. In order to conduct a Bullock Cart Race and Horse Race on 25.06.2023, the petitioner sought permission of the police by giving a representation. But, the third respondent has considered and rejected the



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said representation. Challenging the same, the writ petitioner has come before this Court for the above said relief.

5. The learned Additional Public Prosecutor appearing for the respondent police submitted the petitioner's representation was rejected by the respondent police stating that the place in which the race is to be conducted, is a highway and it will create disturbance to the public. He further submitted that the respondent police is ready to consider the petitioner's representation, if the petitioner gave a fresh representation by pointing alternative place for conducting Bullock Cart Race and Horse Race.

6. At this juncture, the learned counsel appearing for the writ petitioner would submit that they are ready to give a fresh representation before the concerned respondent police by pointing alternative place.

7. The learned counsel for the petitioner has relied on the order passed by the Hon'ble Division Bench of this Court in W.P.(MD)No.2161 of 2023, wherein the Division Bench by following the earlier order passed in W.P.No.21366 of 2022, dated 12.08.2022, has granted



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permission by imposing certain conditions to conduct Bullock Cart race and the relevant portions are extracted hereunder :

“6. At this juncture, it is pertinent to note that this Court, on an earlier occasion in W.P.(MD)No.21366 of 2022, vide order dated 12.08.2022 has granted permission to conduct rakla 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 am to 12.00 pm 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.”

8. In view of the Hon'ble Division Bench of this Court in W.P.



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(MD)No.2161 of 2023, wherein the Division Bench by following the earlier order passed in W.P.No.21366 of 2022, dated 12.08.2022, the impugned order passed by the third respondent dated 30.05.2023 is hereby set aside.

9. The petitioner is hereby directed to give fresh representation to the third respondent by mentioning alternative place and on such representation, the third respondent is hereby directed to consider the same and pass orders immediately following the order following the order of the Hon'ble Division Bench of this Court passed in W.P. (MD)No.2161 of 2023 and in the light of the circular of the Director General of Police, Tamil Nadu, Chennai in Rc.007301/Genl.I (1)/2019 dated 09.04.2019.

With the above said directions, this writ petition stands disposed of.

08.06.2023

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

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Superintendent of Police Office,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
Papanasam Sub-Division,
Thanjavur District.
- 3.The Inspector of Police,
Kabisthalam Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

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Order made in

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Dated : 08.06.2023