



W.P.(MD)No.17672 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:25.09.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.17672 of 2023

Radha @ Radhakrishnan

... Petitioner

Vs.

1. The Superintendent of Police,
Tuticorin, Tuticorin District.

2.The Deputy Superintendent of Police,
Kovilpatti Subdivision, Tuticorin District.

3.The Inspector of Police,
Nalattinuthur Police Station,
Kovilpatti Subdivision,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 10.07.2023 in respect of the above within a specific period.



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For Petitioner : Mr.KA.Raamakrishnan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

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ORDER

This petition is filed seeking for a direction to the respondents police to permit the petitioner to conduct Horse and Bullock cart race from Nalattinpathur to Kalugumalai National Highways as per the representation given by the petitioner on 10.07.2023.

2. The facts and brief as per the affidavit are that in the memory of freedom fighter Alagumuthu Kon and former Chief Minister Dr.Kalaaignar Karunanithi, the petitioner has decided to celebrate the Gurupooja on 23.07.2023 at Nalattinpathur, Kovilpatti Taluk, Tuticorin District. In that connected, as a part of celebrations, the petitioner has proposed to conduct Horse and Bullock cart race from Nalattinpathur to Kalugumalai to an extent of 16 kms in main road, Tuticorin District on 23.07.2023 from 9:00 am to 9:00 pm. The petitioner approached the respondents police and file a representation dated 10.07.2023 requesting



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to permit them to conduct Horse and Bullock race in the said main road.

Since the respondents police have not granted permission, the petitioner sought for a mandamus to direct the respondents police to grant permission to the petitioner to conduct the Horse and Bullock cart race.

3. Learned Government Advocate appearing for the respondents police by submitting the counter-affidavit of the third respondent police submitted that the petitioner is proposed to conduct Horse and Bullock cart race on the road where the small villages roads are connected and that the said main road is always busy with agricultural labourers and vehicles used for plying tractor, tiller and that if the cart race is allowed the labourers are likely to be affected and hence, he sought for dismissal of this petition.

4. Heard both sides and perused the record.

5. This petition is liable to be dismissed on a simple ground that the petitioner is intended to conduct horse race and bullock cart race on the eve of Gurupooja of freedom fighter Alagumuthu Kon on



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23.07.2023 since the said date has already been expired this petition has become infructuous.

6. The petitioner has not mentioned in the affidavit his capacity, expertise, competence in conducting of these kind of races. When the petitioner decides to conduct these kind of races, the petitioner is expected to approach the District Sports Authority and identify suitable place which is congenial to conduct these kind of races, the District Sports Authority will advice the petitioner properly as to the procedures to be followed and rules to be applied in case if the races are being conducted. In case if the procedures and rules have not been properly followed, there is every possibility of triggering of the disputes among the persons who participate in the horse and bullock race and also among the people who assemble there belonging to the various political, social, ethnic, cultural groups which may ultimately become issues of law and order. These kind of races have to be conducted only under the supervision of professionally qualified persons. Horse races will be conducted in the race course grounds specifically designed. But, here the petitioner, a single individual without submitting any expertise and



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without submitting details as to how many teams are expected to participate and also without mentioning about the facilities arranged in respect of medical facilities both for the human being and also for the animals in case of any untoward incidents happen, has sought for permission. The affidavit enclosed by the petitioner does not inspire confidence to consider the same in favour of the petitioner.

7. Another aspect which surprises this Court is that the petitioner intends to perform this race on the main public road from Nalattinpathur to Kalugumalai to an extent of 16 kms from 9:00 am to 9:00 pm., that means in case if the permission is granted, the main road which is meant for free flow of traffic and people will have to be blocked for the period of 12 full hours. The petitioner did not have any idea as to the inconvenience that may likely to cause to the commuters, ambulances and persons in emergency. Learned Government Advocate submits that whenever such horse and bullock cart races are conducted, there is possibility of accidents and in case if such races are conducted on the public road, the traffic will come to a stand still and senior citizens and other persons who are required to go hospital will be suffered.



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8. Considering the discussions made above, the petitioner has failed to convince on any aspect to direct the respondents police to grant permission for conducting the said horse and bullock cart race. Accordingly, this writ petition stands dismissed.

25.09.2023

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

PKN/mvs.



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To

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2. The Deputy Superintendent of Police,
Kovilpatti Subdivision, Tuticorin District.
3. The Inspector of Police,
Nalattinpathur Police Station,
Kovilpatti Subdivision,
Tuticorin District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN,J

PKN/mvs.

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