



W.P(MD)No.2723 of 2024

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 08.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.2723 of 2024**

M.Kalaiselvan

... Petitioner

VS.

- 1.The Secretary to Government,  
Animal Husbandry, Dairying and Fisheries Department,  
Fort St. George,  
Chennai – 600 009.
- 2.The District Collector,  
Trichy District,  
Trichy.
- 3.The Revenue Divisional Officer,  
Thiruverumbur,  
Trichy District.
- 4.The Tahsildar,  
Thiruverumbur Taluk,  
Trichy District.
- 5.The Inspector of Police,  
Thiruverumbur Police Station,  
Trichy District.

... Respondents



**W.P(MD)No.2723 of 2024**

**WEB C** **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to issue G.O notifying the Koothaipar Village, Thiruverumbur Taluk, Trichy District to conduct Bull Taming Game (Jallikattu) on the eve of Maha Sivarathri Festival at Sri Periya Akkandiyamman Temple situated at North Devendra Kula Velalar Street, Koothaipar Village, Thiruverumbur Taluk, Trichy District on 09.03.2024 in accordance with old customs and by considering the representation of the petitioner, dated 10.01.2024.

|                           |                                                           |
|---------------------------|-----------------------------------------------------------|
| For Petitioner            | : Mr.T.Leninkumar                                         |
| For Respondent Nos.1 to 4 | : Mr.P.Thilak Kumar<br>Government Pleader                 |
| For Respondent No.5       | : Mr.R.Meenakshi Sundaram<br>Additional Public Prosecutor |
| For Proposed Respondent   | : Mr.M.Saravanan                                          |

**ORDER**

**(Order of the Court was made by D. KRISHNAKUMAR, J.)**

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the first respondent to issue a Government Order notifying Koothaipar Village, Thiruverumbur Taluk, Trichy District, to conduct Bull Taming Game (Jallikattu), on the eve of Maha Sivarathri Festival at Sri Periya Akkandiyamman Temple, North Devendra Kula Velalar Street, Koothaipar Village, Thiruverumbur Taluk, Trichy District on

**2/8**



W.P.(MD)No.2723 of 2024

09.03.2024, in accordance with old customs and by considering the representation of the petitioner, dated 10.01.2024.

2. When the matter came up for hearing on 07.02.2024, this Court passed the following order:

*'Prayer in this writ petition is to direct the first respondent to issue a Government Order notifying Koothaipar Village, Thiruverumber Taluk, Trichy District, to conduct Bull Taming Game (Jallikattu), on the eve of Maha Sivarathiri festival at Sri Periya Akkandiyamman Temple, North Devendra Kula Velalar Street, Koothaipar Village, Thiruverumbur Taluk, Trichy District, on 09.03.2024, in accordance with the old customs and by considering the petitioner's representation dated 10.01.2024.*

*2. Mr.P.Thilakkumar, learned Government Pleader, who accepts notice for the respondents 1 to 5, submits that Koothaipar Village has already been permanently notified for conducting Jallikattu and there is no necessity for issuing a Government Order every year and to that effect, he has produced a copy of the Government Gazette, dated 21.01.2017, before this Court.*

*3. However, contrary to the above submission, we find that when the petitioner approached this Court earlier by filing W.P.(MD) No.504 of 2024 seeking the very same relief, the learned Additional Government Pleader appearing for the respondents submitted that for the last year, the Government has issued G.O.Ms.No.43, dated 19.01.2023 and for this year, no Government Order has been passed and if any Government Order is passed, the grievance of the petitioner*



**W.P.(MD)No.2723 of 2024**

WEB COPY

would be considered. In view of the said submission made by the learned Additional Government Pleader, this Court, by order dated 09.01.2024, dismissed the writ petition with a direction to the petitioner to workout his remedy before the Government and also dismissed the contempt petition filed by him in Cont.P.(MD)No.149 of 2024 on 05.02.2024.

4. In such circumstances, we are of the view that the submission made by the learned Additional Government Pleader on 09.01.2024 is false. When we posed a question to Mr.N.Satheesh Kumar, learned Additional Government Pleader, who is present before this Court today, as to why he made a wrong submission before this Court on 09.01.2024, he submitted that only based on the written instructions given by the fourth respondent / Tahsildar, he made the above submission and he sought time to produce the said written instructions before this Court.

5. In view of the above,

(i) Mr.N.Satheesh Kumar, learned Additional Government Pleader, is directed to produce the written instructions obtained from the fourth respondent / Tahsildar in W.P.(MD) No.504 of 2024 before this Court on 08.02.2024.

(ii) The fourth respondent / Tahsildar, is also directed to be present before this Court on 08.02.2024.

6. Post the matter on 08.02.2024.'

3.Pursuant to the order, dated 07.02.2024, Mr.T.Jeya Prakash, Tahsildar, Thiruverumbur Taluk, Trichy District (fourth respondent) is present before this Court today.



**W.P(MD)No.2723 of 2024**

**WEB COPY**

4.Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 4, on instructions, would submit that the aforesaid Village is a permanently notified Village to conduct Jallikattu. Further, as per Clause (dd) of Section 2 of the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960), as amended by the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017 (Act 1 of 2017), though a Village has been permanently notified for conducting Jallikattu, a Government Order has to be issued every year for the particular Village.

5.The learned Government Pleader appearing for the respondents 1 to 4 would further submit that the petitioner's representation is now pending before the District Collector for forwarding the remarks to the Government either for granting permission to conduct Jallikattu or rejecting the said request of the petitioner.

6.Mr.M.Saravanan, learned counsel appearing for the proposed respondent/Objector namely P.Babu objected for granting permission to the petitioner.



**W.P(MD)No.2723 of 2024**

WEB COPY

7. At this juncture, we are of the view that since the representation of the petitioner is still pending before the District Collector, Trichy, who has yet to forward the remarks to the Government; there is a objection and counter-objection made by the parties and the Government has to pass an order, we are not inclined to go into the merits of the case. It is made clear that since objection made by the proposed respondent/objector is also pending before the District Collector, Trichy, we are not concerned with the objection made by the proposed respondent/objector and it is for the Government to take into consideration the objection made by him at the time of passing the order. Therefore, we are inclined to pass the following order:

(i) Since both the application of the petitioner, dated 23.12.2023 as well as application of the proposed respondent dated 27.12.2023 and 30.01.2024 are pending before the District Collector, Trichy, these applications shall be considered by the District Collector, Trichy and if necessary, appropriate enquiry can be conducted and a report shall be submitted before the Government for passing appropriate orders within a period of two weeks from the date of receipt of a copy of this order.



W.P(MD)No.2723 of 2024

WEB COPY

(ii) Based on the report of the District Collector, Trichy, the first respondent is directed to pass orders, on merits and in accordance with law, as expeditiously as possible preferably within a period of two weeks thereafter.

8. With the above directions, the Writ Petition is disposed of. No costs.

**[D.K.K.,J.] [R.V.,J.]**  
**08.02.2024**

NCC : Yes / No  
Index : Yes / No  
ps

To

1. The Animal Husbandry, Dairying and Fisheries Department,  
Fort St. George,  
Chennai – 600 009.
2. The District Collector,  
Trichy District,  
Trichy.
3. The Revenue Divisional Officer,  
Thiruverumbur,  
Trichy District.
4. The Tahsildar,  
Thiruverumbur Taluk,  
Trichy District.
5. The Inspector of Police,  
Thiruverumbur Police Station,  
Trichy District.



WEB COPY



W.P(MD)No.2723 of 2024

**D. KRISHNAKUMAR,J.**  
**and**  
**R.VIJAYAKUMAR,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.2723 of 2024**

**DATED : 08.02.2024**