



W.P(MD)No.3853 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.3853 of 2024

B.Sobiraj @ Jobiraj

... Petitioner

Vs.

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Appan Thirupathi Police Station,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents to issue permission to the Petitioner for conducting cock fighting on 24.02.2024 at Theppakulam, Poigaikarai Patti Madurai District from 10 am to 5 pm by considering the Petitioner's representation dated 09.02.2024.



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For Petitioner : Mr.M.Siva Kumar

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

ORDER

This Writ Petition has been filed seeking issuance of a writ of Mandamus, directing the Respondents to grant permission to the Petitioner for conducting cock fight on 24.02.2024 at Theppakulam, Poigaikarai Patti, Madurai District from 10 am to 5pm by considering the Petitioner's representation dated 09.02.2024.

2. The learned Counsel for the Petitioner would contend that only during corona lockdown, the villagers could not conduct cock fight. Prior to that, there had been cock fight conducted by the villagers. Also subsequent to the corona period they had conducted cock fight till last year. When the Petitioner had given a representation on 09.02.2024, it was rejected.



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3. The learned Government (Criminal Side) on instructions from the Respondents 1 and 2 vehemently objects to the statement that there was apprehension of breach of peace. Therefore, the Petitioner's representation was rejected. Since the Respondent police apprehends breach of peace in the village surroundings where the cock fight is to be held, the Petitioner is directed to ensure that there will not be any breach of peace.

4. Also the Petitioner shall ensure that the cocks are not treated by tying any blade on their legs and the Veterinary surgeon may be available during the period of cock fight. The Petitioner undertakes to follow the circular of the Director General of Police, Tamil Nadu/Head of State Police Force, Chennai-4, in Rc.No.007301/General I(I)/2019, dated 09.04.2019.

5. In view of the above, this Writ Petition is allowed with a direction to the Respondent Police to grant the permission to the Petitioner to conduct cock fight on 24.02.2024 at Theppakkulam, Poigaikarai patti, Madurai District from 10 am to 5 pm by considering the representation of the Petitioner dated 09.02.2024. The Petitioner



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shall pay reimbursement of Guard Charges for the Police Personnel as per G.O.Ms.No.139, Home (Pol.VIII) Dept. dated 04.03.2019. No costs.

21.02.2024

Internet: Yes
Index : Yes/No
jbr

To

1. The Superintendent of Police,
Madurai District,
Madurai.
2. The Inspector of Police,
Appan Thirupathi Police Station,
Madurai District.
3. The learned Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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