



W.P(MD)No.5362 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5362 of 2024

Sivaraman

... Petitioner

versus

1. The District Collector,
Dindigul District,
Dindigul.
2. The Superintendent of Police,
Dindigul District,
Dindigul.
3. The Inspector of Police,
Saminathapuram Police Station,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 3rd respondent in his proceedings Na.Ka.No.32/Ka.A/P.U/2024 dated 03.03.2024 and quash the same as devoid of merits and consequently, direct the respondents to grant permission for



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celebrating Rekla Race at Muthunaickenpatti, Pushpathur Village, Palani Taluk, Dindigul District, by confirming the order passed by the 3rd respondent in Na.Ka.No.31/Ka.A/P.U./2024 dated 03.03.2024.

For Petitioner : Mr.Anand C.Rajesh
For R1 : Mr.Veerakathiravan,
Additional Advocate General
assisted by
Mrs.D.Farjana Ghoushia,
Special Government Pleader
For R2 and R3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner is the Member and West Union President of the Bharathiya Janatha Party, Thoppampatti, Dindigul District and he has filed this writ petition as against the proceedings dated 03.03.2024 passed by the 3rd respondent/Inspector of Police, Saminathapuram Police Station, Dindigul District. By the impugned proceedings, dated 03.03.2024, the 3rd respondent rejected permission already granted to the petitioner for conducting Rekla Race at Muthunaickenpatti, Pushpathur Village, Palani Taluk,



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Dindigul District.

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2. The learned counsel appearing for the petitioner submits that the petitioner was granted permission with certain conditions by the 3rd respondent on 03.03.2024, however, at the instance of the ruling party, the 3rd respondent has passed the impugned order on the same day rejecting the permission granted for conducting Rekla Race. He further submits that the petitioner and the villagers are celebrating Rekla Race for the past six years and for this year also, they have approached the 3rd respondent by way of a request on 23.02.2024 and the 3rd respondent has considered the same and also granted permission to the petitioner with certain conditions on 03.03.2024. The petitioner has made all arrangements for conducting Rekla Race on 10.03.2024. While so, at the instigation of the ruling party in the said area, the 3rd respondent has passed the impugned order, cancelling the permission already granted to the petitioner, on the same day, without providing him an opportunity of hearing and without any reasons whatsoever.



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3. The learned Additional Advocate General appearing for the State submits that the 3rd respondent has given permission on 03.03.2024 with usual conditions, on which, Rekla Races are permitted. However, it has been brought to the knowledge of the respondents that the Hon'ble Supreme Court, in Transfer Petition (C) No.68 of 2013, has imposed certain conditions to be complied with strictly, while conducting these types of Bullock Cart Races and the same is extracted as under:

“i) At every event, where bullock cart races are to be held, a separate track for each bullock cart will have to be provided.

ii) No whipping of the bull would be permitted and the cartman would only be permitted to swirl it in the air and hit it on the ground, but in no manner whatsoever would the cartman be permitted to whip the bull or induce pain or cause any injury while conducting bullock cart races.

iii) A veterinary Doctor who is attached to the village Dispensary shall first inspect all the bulls that Participate in the bullock cart races to ensure that they



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are in good physical condition and they are not intoxicated and that there is no application of chilly powder or mud to the genitals of the bull to make it more aggressive or ferocious, so that it runs at a faster speed. In the event of any unfortunate injury that may occur to a bull during the race, immediate adequate medical facility would be provided by the Veterinary Doctor.

iv) In the event of any bull is subjected to cruelty by any person or persons during the bullock cart races, penal action would be initiated against him/then under the Prevention of Animal Cruelties Act, 1960.

v) The Veterinary Doctor in association with NGOs espousing the cause of animal welfare would video graph the bullock cart races from vantage position so as to enable the authorities to find out that there is an infraction of law of the aforesaid guidelines during the course of the races.

vi) If the Committee to Monitor Animal Welfare Laws In Maharashtra constituted by the High Court desires to video graph the bullock cart races, then they would be entitled to do so and necessary safeguards and assistance would be provided to them by the Government.



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vii) Any organization seeking to conduct bullock cart races would have to inform the District administration/District Collector and the concerned police station in writing at least ten days prior to holding of such race, which in turn would immediately intimate the same to the said Committee.”

In this regard, a Division Bench of this Court, in W.P.(MD)Nos. 2132, 2537 and 3449 of 2024, dated 16.02.2024, has passed the following order:

10. Considering the requests made by the petitioners, the interest of both the organizers as well as participants and also the public, we dispose of these Writ Petitions with the following directions:-

(i) In the light of the conditions imposed by the Police Department as well as the conditions imposed by the Hon'ble Supreme Court in Transfer Petition (C) No.68 of 2013, while considering the applications, the concerned respondents have to impose necessary conditions for the purpose of conducting Bullock Cart Race / Rekla Race / Horse Race, if the aforesaid conditions are complied with, necessary permission



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shall be granted.

(ii) We also direct the learned Additional Public Prosecutor to forward a copy of this order to the Director General of Police, Tamil Nadu to issue necessary Circular to all the Commissioner of Police and Superintendent of Police in the State of Tamil Nadu to strictly comply with the conditions imposed by the Department as well as the conditions imposed by the Hon'ble Supreme Court in the aforesaid order strictly without any deviations. Such circulars shall be issued within two weeks from the date of receipt of a copy of this order.

(iii) If necessary, it is also open to the concerned District Collectors to impose further conditions to be incorporated at the time of considering the applications by the organizers. We also make it clear that only Organizing Committees should approach the respondents to make such applications. Applications made by the individuals need not be considered by the authorities.

(iv) In the light of the above, the third respondent in these Writ Petitions shall consider the requests of the petitioners and pass orders granting permission to conduct Bullock Cart Race / Horse Race



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/ Rekla Race, if the petitioners have complied with the conditions, as early as possible and in W.P. (MD) Nos. 2537 and 3449 of 2024, on or before 17.02.2024.”

As per the direction of the Division Bench, the said order has been communicated to the Director General of Police, Tamil Nadu. Now, the Director General of Police has framed the conditions as stipulated by the Hon'ble Supreme Court and the same has been intimated to all the Police Officials and therefore, permission granted to the petitioner on 03.03.2024 was immediately withdrawn.

4. This Court considered the rival submissions made.

5. The Division Bench of this Court in W.P.(MD)Nos.2132, 2537 and 3449 of 2024, dated 16.02.2024, has already dealt with a similar issue and has passed an order that Bullock Cart Races shall be conducted in Tamil Nadu as per the directions issued by the Hon'ble Supreme Court in Transfer Petition (C) No.68 of 2013. The



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Hon'ble Supreme Court has imposed certain conditions which were also extract as supra.

6. Since the Hon'ble Supreme Court, in Transfer Petition (C)No.68 of 2013, has already imposed certain conditions to be followed for conducting Bullock Cart Races, it is the duty of the respondents to ensure that these conditions are complied with while granting permission to conduct Bullock Cart Races. Admittedly, these conditions are not available in the previous order while granting permission to the petitioner. However, the respondents ought to have provided an opportunity of hearing to the petitioner before cancelling the previous order.

7. According to the learned counsel for the petitioner, the ruling party is conducting the Rekla Race on the same day and therefore, 3rd respondent has passed the impugned order. This allegation has been denied by the learned Additional Advocate General that no other permission was granted for conducting the



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Rekla Race. Even otherwise, there cannot be any permission for Rekla Race without incorporating the conditions stipulated by the Hon'ble Supreme Court.

8. The petitioner claims that he made all arrangements based on the earlier permission dated 03.03.2024 and he is also ready to conduct the Rekla Race by fulfilling the conditions.

9. In view of the above, the writ petition is disposed of with a liberty to the petitioner to submit a fresh application for conducting the Rekla Race by prescribing the place of venue. The respondent Police shall pass orders on his application within a period of two days after satisfying with the arrangements of the petitioner as required and as per the orders of the Hon'ble Supreme Court in Transfer Petition (C) No.68 of 2013. No costs.

07.03.2024

NCC: Yes/No

Index: Yes/No

Internet: Yes

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Note: Issue order copy today.



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To
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B.PUGALENDHI, J.

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