



W.P.(MD) No.7617 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD)No.7617 of 2024

P.Thiyagarajan

... Petitioner

-Vs-

1.The Secretary,
Government of Tamil Nadu,
Department of Animal Husbandry Dairying and Fisheries,
Fort St.George, Chennai.

2.The District Collector,
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,
Devakottai, Sivagangai District.

4.The Joint Director,
Animal Welfare Department,
Sivagangai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner's villagers to conduct “Manju Virattu / Jalli Kattu” in Kottur Village, Devakottai Taluk, Sivagangai District in the event of Mulaipaari Thiruvizha on 03.04.2024 on the basis of the petitioner's representation dated 22.02.2024.

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For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

The prayer sought for in the Writ Petition is to direct the respondents to permit the petitioner's villagers to conduct “Manju Virattu / Jalli Kattu” in Kottur Village, Devakottai Taluk, Sivagangai District in the event of Mulaipaari Thiruvizha on 03.04.2024 on the basis of the petitioner's representation dated 22.02.2024.

2.The petitioner, in order to seek permission from the respondent / State to conduct Manju Virattu / Jallikattu in his village ie., Kottur Village in Devakottai Taluk, Sivagangai District in the event of Mulaipaari Thiruvizha, which will be culminated on 03.04.2024, had given a representation dated 22.02.2024. Since the same has not been considered by the respondents, he has moved the present Writ Petition with the aforesaid prayer.

3.Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.



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4.The learned Government Pleader for the respondents would submit that the Legislature has passed an Act, called Prevention of Cruelty to Animals (Tamil Nadu Amendment), Act, 2017 ie., Act 1 of 2017, where what are all the places or village and festival, this kind of Jallikattu can be permitted to take place District-wise in every revenue districts had been provided by notification issued by the Animal Husbandry, Dairying and Fisheries Department, under G.O(Ms)No. 8, dated 21.01.2017, where he has relied upon various places and according to which, there are eight places mentioned in Sivagangai District, where such permission can be granted.

5.Relying upon this list of places or villages, the learned Government Pleader for the respondents would contend that the village called Kottur of the petitioner does not fall in the list provided in the said Government Order or annexure to the Government Order. Therefore, such permission cannot be granted, he has submitted.

6.However, the learned counsel for the petitioner has pointed out that the villages or places mentioned in the Government Order referred to above, are not exhaustive and it is only an indicative and in this context, he would further



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submit that insofar as conducting Jallikattu at his village, namely, Kottur is concerned, for the past 25 years such Jallikattu is being conducted and even after the amendment of Act 1 of 2017, such permission has been granted to conduct Jallikattu except during Covid-19 period. He would further submit that during the last year, when such a request had been made, the Government had come forward to issue such permission by way of issuance of G.O.Ms.No.189, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare (AH3) Department, dated 17.03.2023, where the following orders have been passed:-

G.O.(D) No.189

Dated: 17.03.2023

Read:-

- 1. Government D.O.Letter No.3813954/AH3/2022-1, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department, dated 29.12.2022.*
- 2. Government D.O.Letter No.3813954/AH3/2022-5, Animal Husbandry, Dairying, Fisheries and Fishermen Welfare Department, dated 02.02.2023.*
- 3. From the District Collector, Sivagangal Dist., Roc.No. D1/38142/2022, dated.08.03.2023.*
- 4. From the Director of Animal and Veterinary Services letter Roc-No.0008/J2/2023,dated: 10.03.2023*

ORDER:

The following Notification will be published in the ordinary issue of the Tamil Nadu Government Gazette dated 17.03.2023.

NOTIFICATION

Under 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), the Governor of Tamil Nadu hereby notifies that Jallikattu may be



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conducted on in the places specified below on the dates mentioned against each of them, subject to the adherence of the Standard Operating Procedures (SOP) for norms specified in the Government the Government D.O. letter 1st and 2nd read above and by following the restrictions announced by the State/ District Disaster Management Authorities from time to time:

SIVAGANGAI DISTRICT

Sl.No.	TALUK NAME	VILLAGE NAME	DATE
1	Sivagangai	ThamarakkiNorth	19.03.2023
2	Tirupathur	Nedumaram (General)	24.03.2023
3	Sivagangai	ThamarakkiSouth	26.03.2023
4	Tirupathur	Nedumaram (Adidravidar)	30.03.2023
5	Devakottai	Kottur	05.04.2023

(BY ORDER OF THE GOVERNOR)

A.Karthik

Principal Secretary to Government”

7.Under the said G.O.(Ms)No.189, five such villages had been given such permission including Kottur at Devakottai Taluk, where such Jallikattu was performed on 05.04.2024 ie., culmination of Mulaipaari Thiruvizha.

8.We have considered the said rival submissions made by both sides.

9.Even though it has been stated by the learned Government Pleader for the respondents by pointing out Act 1 of 2017 and the list of places under G.O.



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(Ms).No.8, as has been rightly pointed out by the learned counsel for the petitioner, if at all any list of places has been provided by the Government, it is only an indicative not an exhaustive. Apart from those places, which have been mentioned under G.O.(Ms)No.8, for other places also the Government had come forward to give permission based on the time tested festival being conducted in a particular locality.

10.In the present case also in Kottar Village, such function was conducted for several years where Jallikattu is also performed for the past 25 years.

11.Be that as it may, so far as the last year is concerned, the Government has issued G.O.(Ms).No.189 as stated supra, where such permission to the Kottar Village was also granted and the same was conducted on 05.04.2023.

12.When that being so, the objections raised on behalf of the respondents by the learned Government Pleader cannot be countenanced.

13.Since the Jallikattu function is co-incident with the culmination of the festival called Mulaipaari Thiruvizha, which is going to be culminated on



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03.04.2024, the petitioner had no other option except to get permission to perform Jallikattu, which approximately will be conducted for only two hours from the beginning to end.

14. Therefore, we feel that as has been given last year, as per the G.O. (Ms)No.189, dated 17.03.2023, for the present year also, the representation or request made by the petitioner shall be considered and accordingly, necessary permission to perform Jallikattu be granted by the respondents to the petitioner. When granting such permission, all usual conditions shall be imposed by the respondents to perform Jallikattu festival in safe and secured manner. To that extent, whatever the undertaking the respondents want to get it either from the petitioner or from any other village people, who are the organizers of the Jallikattu can also be obtained.

15. It is also to be noted that when similar permission was granted last year, the District Collector concerned had imposed several conditions by order dated 01.04.2023 and the very same conditions can also be imposed. In addition to that any additional conditions be imposed in view of on-going election process for the Parliament. If such conditions are imposed, the same shall be complied with strictly by the petitioner and other organizers of the Jallikattu without fail and necessary orders shall be passed by the respondents by 02.04.2024.



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16. With the above directions, this Writ Petition stands disposed of. No costs.

[R.S.K., J.] & [G.A.M., J.]

01.04.2024

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

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Note: Issue Order copy on 01.04.2024.

To

1. The Secretary,
Government of Tamil Nadu,
Department of Animal Husbandry Dairying and Fisheries,
Fort St. George, Chennai.
2. The District Collector,
Sivagangai District, Sivagangai.
3. The Revenue Divisional Officer,
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