



WEB COPY



W.P.(MD) No.13246 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.13246 of 2024

M.Ulagamuthu

... Petitioner

-vs-

- 1.The District Collector
Office of the District Collector
Thoothukudi District
- 2.The Superintendent of Police
Office of the Superintendent of Police
Thoothukudi District
- 3.The Deputy Superintendent of Police
Office of the Deputy Superintendent of Police
Vilathikulam
Thoothukudi District
- 4.The Inspector of Police
Vilathikulam Police Station
Thoothukudi District
- 5.The Sub Inspector of Police
Soorakudi Police Station
Thoothukudi District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned proceedings issued by the fifth respondent in C.No.06/proceedings/V2PS/TUT/2024 dated 07.06.2024 and quash the same illegal and consequently direct the fifth respondent herein to grant permission and provide adequate police protection during the conduct of “Eruthukattu Thiruvizha” on 10.07.2024 in connection with the ninth day festival of Sri Muneeswarar Temple, Sri Vadakku Va Selliamman Temple and Sri Utchani Maha Kaliamman Temple, situated at Pallakulam Village, Vaippar Post, Vilathikulam Taluk, Thoothukudi District.

For Petitioner : Mr.M.Karthikeyavenkatachalapathy
for Mr.K.Rajesh

For Respondents : Mr.P.Thilakkumar,
Government Pleader for R1
Mr.T.Senthilkumar
Additional Public Prosecutor for R2 to R5



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ORDER

R.MAHADEVAN, A.C.J.
And
G.R.SWAMINATHAN, J.

The order dated 07.06.2024, passed by the fifth respondent, rejecting the request of the petitioner to conduct the petition mentioned event citing law and order problem and other reasons, is under challenge in this writ petition.

2. Learned Government Pleader appearing for the first respondent, on instructions, submitted that as per G.O.Ms.No.8, Animal Husbandry, Dairying and Fisheries (AH3), dated 21.07.2017, the village, where the event is scheduled to be conducted, is not a notified village and that as per the amended Section 2(dd) of the Prevention of Cruelty to Animals Act, 1960, the events involving bulls shall be conducted from the months of January to May of a calender year. Therefore, the petitioner is not entitled to the relief as such sought for in this writ petition.

3. In view of the above submission of the learned Government Pleader, when we expressed our view that the writ petition cannot be entertained, learned counsel for the petitioner sought permission of this Court



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to withdraw this writ petition and he has also made an endorsement to that effect. Liberty is granted to pursue the remedy in the manner known to law.

4. In view of the endorsement so made, this writ petition is dismissed as withdrawn. Further, it is to be noted that the authority, who passed the impugned order, has no jurisdiction to pass such an order. No costs.

[R.M.D., A.C.J.]

[G.R.S., J.]

20.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk / ias

To:

- 1.The District Collector,
Office of the District Collector,
Thoothukudi District.
- 2.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
- 3.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Vilathikulam, Thoothukudi District.



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4.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.

5.The Sub Inspector of Police,
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