



WP(MD). No.13310 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD). No.13310 of 2024 and
WMP(MD) No.11780 of 2024

D.Kannan

... Petitioner

Vs

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Inspector of Police,
Thisayanvilai Police Station,
Thisayanvilai,
Tirunelveli District.

... Respondents

PRAYER :Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, calling for records of the Impugned order passed by the 2nd respondent in C.No.05/INS/Proceeding/2024 on 08.06.24 and quash the same and further direct the respondents to grant permission and police protection for conducting Cock Fight on 07.07.24 between 10 a.m. to 6.00 p.m.



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For Petitioner : Mr.A.Arun Ramnath
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This writ petition is filed challenging the order passed by the second respondent in C.No.05/INS/Proceeding/2024, dated 08.06.2024. By the order impugned in this writ petition, the request of the petitioner to conduct "Cock Fight", which is scheduled to be conducted on 07.07.2024 has been rejected.

2.The petitioner sought permission to conduct "Cock Fight" in the eve of celebrating the birthday of late leader Mr.K.Kamaraj on 07.07.2024. The second respondent/the Inspector of Police, Thisayanvilai Police Station has rejected the request of the petitioner by referring the law and order problem. The same is challenged by the petitioner that this impugned order has been passed in a mechanical manner without considering the Circular Memorandum dated 09.04.2019.



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3.The learned counsel for the petitioner has relied upon the order passed by a Division Bench of this Court in WP.No.592 of 2023, dated 09.01.2023, wherein, this Court, has granted permission with certain conditions to conduct the "Cock Fight", by referring the Circular, dated 09.04.2019.

4.Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents and produces a copy of the order passed by another Division Bench of this Court in WP(MD) No.476, 1547 and 1619 of 2022, dated 21.12.2022, wherein, this Court has rejected the similar request.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner has approached this Court that his request to conduct “Cock Fight” has been rejected by the respondent



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police on the ground of law and order situation. In order to substantiate his contention, the petitioner has relied on the order of this Court, granting permission with certain conditions by referring a Circular, dated 09.04.2019. Though this petitioner has placed reliance on the circular, dated 09.04.2019, he has not placed the said circular in the typed set of papers for reference. On the other hand, the learned Additional Public Prosecutor has relied on the order passed by another Division Bench of this Court, where, the similar request has been rejected and the relevant portion is extracted as under:-

“Today, when these Writ Petitions were taken up for hearing, the learned Government Pleader has drawn the attention of this Court by placing the following decisions:-

(i) ***S.Kannan Vs. The Commissioner of Police, Madurai City, Madurai and others*** reported in 2014 (3) CTC 676;

(ii) ***Subramani Vs. The District Collector, Dindigul District and others*** reported in 2016 SCC



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Online Mad 8157;

(iii)S.Vadivel Vs. The District Collector, Dindigul District and others reported in 2016 SCC Online Mad 7775;

(iv)E.Seshan Vs. The Union of India and others reported in 2016 SCC Online Mad 16041; and

(v)A.Sadhanraj Vs. The Inspector of Police, Alangulam Police Station, Tirunelveli District reported in 2017 SCC Online Mad 20092.

and submitted that in the aforesaid decisions, it is clearly stated that the cock-fight is not recognized under the law and no permission is granted to conduct cock-fight.”

7.If any person incites any animal to fight or bait any other animal or organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of any other person to any place kept or used for any such purposes is an offence and it has to be treated as



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animal cruelty as per the provision under Section 11(n) of Prevention of Cruelty to Animals Act, 1960. "Animal" has also been defined under Section 2(a) of the Act, which is extracted as under:-

(a) "animal" means any living creature other than a human being.

8.Since it is an offence as per the provisions of the Prevention of Cruelty to Animals Act, 1960, no direction/permission can be issued/granted by this Court or by the Director General of Police to conduct such "Cock Fight" events.

9.In view of the above and in the light of the order passed by the Division Bench of this Court in WP(MD) No.476, 1547 and 1619 of 2022, dated 21.12.2022, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

28.06.2024

NCC : Yes / No.



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Index : Yes / No.

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Madurai Bench of Madras High Court,
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B.PUGALENDHI, J.

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