



W.P.(MD).No.25511 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.25511 of 2024

M.S.B.Breshnave

... Petitioner

-VS-

1.The District Collector,
Madurai.

2.The Superintendent of Police,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

4.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent herein in Na.Ka.No. 1658078/2024/rp3 dated 16.09.2024 and quash the same and consequently directing the respondents to grant permission to conduct the 'Bullock Cart Race' on the eve of the petitioner's parents Bose-Rohini Memorial Day which is scheduled to be held at Musundakripatti Village to Aamoor vilakku, Madurai District on 09.11.2024 by considering the petitioner's representation dated 16.10.2024.



W.P.(MD).No.25511 of 2024

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

WEB COPY

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:

“To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent herein in Na.Ka.No.1658078/2024/3 dated 16.09.2024 and quash the same and consequently directing the respondents to grant permission to conduct the 'Bullock Cart Race' on the eve of the petitioner's parents Bose-Rohini Memorial Day which is scheduled to be held at Musundakripatti Village to Aamoor vilakku, Madurai District on 09.11.2024 by considering the petitioner's representation dated 16.10.2024.”

2. Challenge is to the order rejecting permission for the conduct of a Bullock Cart Race at Vellaripatti Village, Melur Taluk, Madurai District. The permission has been rejected on the ground that G.O.No.20, dated 31.01.2017, issued pursuant to Section 28-A of the Prevention of Cruelty to Animals Act, 1960, introduced by the State of Tamil Nadu through the Amending Act 1 of 2017, does not permit conduct of such Bullock Cart Race



W.P.(MD).No.25511 of 2024

at any time after the month of May. We had in similar circumstances permitted Bullock Cart Race, vide order dated 19.08.2024, made in W.P. (MD)No.19837 of 2024, subject to certain conditions, which are as follows:

“8... 2. The following conditions may be imposed in conducting Bullock cart race at Seruppalakadu Village, Sethupavachatram Peravurani Taluk, Thanjavur District.

i) Organizers should obtain no objection for conducting events from the following departments. NOC to be obtained from the Animal Welfare Board, Highways Authorities, Revenue departments, and Health department.

ii) Bulls cart race should be conducted in the daytime only and the entire event should be completed maximum before 3 hrs time.

iii) The timing and number of Bulls cart should be decided by the local administration based on local conditions.

iv) There should not be any betting, gambling, or any illegal activities associated with this event.

v) They should not intoxicate the Bulls.

vi) Similarly, the Bullock cart riders should be strictly prohibited from using alcohol.

vii) Every Bulls cart should be certified for its stability by an appropriate authority.

viii) The race should not be conducted in National Highways or State Highways and preferably village roads or any other mud track prepared on empty field may be used.

ix) The Organizers should fix or decide the route in consultation with the Police Department. (Schools and Hospitals to be avoided)

x) The entire event should be video-graphed.



W.P.(MD).No.25511 of 2024

xi) Torturing of Bulls won't be allowed at any cost. No whipping of the bull would be permitted and the cart man would only be permitted to swirl it in the air and hit it on the ground, but in no manner whatsoever would the cart man be permitted to whip the bull or induce pain or cause any injury while conducting bullock cart races.

xii) There should not be any caste, communal and Political coloring in the conduct of the event.

xiii) Fitness certificate for the participations should be obtained from the health department.

xiv) Only two persons should be allowed to ride the bullock cart.

xv) The maximum distance allowed to conduct the race should be for 5 kilometres only, beyond which permission is should be denied.

xvi) All the participants should wear Head protection and safety gear. Those who do not wear this should not be permitted to participate in the race.

xvii) Not more than 10 bullock carts should go at the same time.

xviii) Political Party flags, religious flags, slogans and songs should be avoided in the event.

xix) Representation to be given to all the concerned authorities 10 days prior to the function. Authorities can modify the route and time for the convenience of the general public.

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

xxi) 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 are in good physical condition and they are not intoxicated and that there is no application of chilli 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



W.P.(MD).No.25511 of 2024

unfortunate injury that may occur to a bull during the race, immediate adequate medical facility would be provided by the Veterinary Doctor.

xxii) 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/them under the Prevention of Animal Cruelties Act, 1960.

xxiii) 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 or of the aforesaid guidelines during the course of the races.

xxiv) 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 fifteen days prior to holding of such race.

xxv) Owners of the bull cart as well as the event organizers shall be solely responsible for any untoward incidents occurred during the race.”

9. Further, the Hon'ble Supreme Court while granting permission in Transfer Petition (C) No.68 of 2013 imposed the following conditions:-

“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 are in good physical condition



W.P.(MD).No.25511 of 2024

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 if 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.

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.”

3. We have also noted that this Court has permitted such races by order dated 16.02.2024 made in W.P.(MD)Nos.2132, 2537 and 3449 of 2024. Hence, the order impugned in the writ petition is quashed. The



W.P.(MD).No.25511 of 2024

District Collector, Madurai, will grant permission for conduct of the race

subject to the same conditions as enumerated above.

WEB COPY

4. The writ petition is allowed on the above terms. No costs.

[R.S.M., J.] [L.V.G., J.]

24.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

Sml

To

1.The District Collector,
Madurai.

2.The Superintendent of Police,
Madurai District.

3.The Inspector of Police,
Melur Police Station,
Madurai District.

4.The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.



WEB COPY



W.P.(MD).No.25511 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

W.P.(MD)No.25511 of 2024

24.10.2024