
(2008) 04 MAD CK 0055

In the Madras High Court

Case No : Writ Petition (MD) No's. 2066, 2131, 2302, 3166, 3773, 3683 of 2008 and M.P. (MD) No's. 1 in Writ Petition No's. 2066, 2302, 2131, 3773 and 3683 of 2008 and M.P. No. 2 in Writ Petition No's. 2066 and 2131 of 2008

S. Chokanathan

APPELLANT

Vs

The District Collector, The Sub-Collector and State

Thuraik Karunanithi Vs The District Collector, The Sub-Collector, The Inspector of Police and The Animal Welfare Board of India
Sri Periyakaruppanaswamy Thirukoil Vs The District Collector, The Revenue Divisional Officer, The Superintendent of Police and The Animal Welfare Board of India
Ayyavoo Vs The District Collector, The Superintendent of Police and The Animal Welfare Board of India
Veluchamy Thondaiman Vs The District Collector, The Revenue Divisional Officer, The Commissioner of Police and The Tahsildar
A. Ravi Vs The District Collector and The Superintendent of Police

RESPONDENT

Date of Decision : 25-04-2008

Acts Referred:

Citation : (2008) 04 MAD CK 0055

Hon'ble Judges : S. Palanivelu, J;M. Chockalingam, J

Bench : Division Bench

Advocate : Sundaravadivel, in W.P. 3166/2008, K. Mahendran, in W.P. No. 2066/2008, D. Sivaraman, in W.P. No. 2131/2008, K. Mahendran, in W.P. No. 2302/2008, B. Prahalad Ravi, in W.P. 3773/2008 and W.P. 3773/2008, for the Appellant; T. Raja, A.A.G. Assisted by Pala Ramasami, Special Government Pleader in W.P. 3166/2008, T. Raja, A.A.G. Assisted by Pala Ramasami, Special Government Pleader for respondent 3 to 4, S.R. Sundaram in W.P. Nos. 2066/2008 and 2131/2008, T. Raja, A.A.G. Assisted by Pala Ramasami, Special Government Pleader for respondents 1 and 2 and S.R. Sundaram, for 3rd Respondent in W.P. No. 2302/2008, T. Raja, A.A.G. Assisted by Pala Ramasami, Special Government Pleader in W.P. 3773/2008 and W.P. No. 3683/2008, for the Respondent

Final Decision : Allowed

Judgement

M. Chockalingam, J.—By consent, these Writ Petitions are taken up for final hearing.

2. This order shall govern the above Writ Petitions six in number seeking for issuance of Writ either for Certioratified Mandamus to quash the

orders of the respondents whereby the representations of the petitioners were rejected and to issue directions to accord permission or to issue a

Writ of Mandamus directing the respondents to accord permission to conduct ""Jallikattu @ Majuvirattu"" in their respective places.

3. Affidavits in support of these petitions and the orders passed by the respondents/District Collectors and the representations of the petitioners are also perused.

4. The Court heard the arguments advanced by the learned Counsel for the petitioners and Mr. T. Raja, Additional Advocate General, was also heard.

5. The principal contention put-forth by the petitioners" side in all these Public Interest Litigations is that the villagers conduct ""Manjuvirattu or

Jallikattu"" every year from time immemorial and they are connected to Temple Festivals in their respective villages. Those events are not only

traditional but also sportive in which the participants from the said villages and also from the neighbourhood used to exhibit their skills and apart

from that, they are cultural in character.

6. While this ""Manjuvirattu @ Jallikattu"" had been conducted without any hindrance for centuries in the past, when the petitioners made

representations seeking permission and direction, in some of the cases, representations were rejected without assigning proper reason and in some

cases, representations are kept pending without any orders being passed despite the fact that the schedule for the conduct of ""Manjuvirattu"" was

already over.

7. Added further the learned Counsel that the Hon"ble Supreme Court, while vacating the stay, originally granted by it, has imposed certain

conditions to be strictly followed before and during the conduct of the said cultural event. There can not be any impediment for the grant of the

relief with a direction to the respondents to accord permission to conduct

Manjuvirattu @ Jallikattu by the petitioners by imposing such conditions.

Hence, necessary orders have got to be passed.

8. Contrary to the above contentions, Mr. T. Raja, Additional Advocate General would submit that in some of the cases, the scheduled dates for

conducting the event was already over and hence the prayer in those Writ Petitions have become infructuous and in respect of other cases, the

representations are still pending and orders are yet to be passed and hence, those Writ Petitions are prematured. Even though, according to the

petitioners, the said cultural event ""Manjuvirattu @ Jallikattu"" is connected to Temple festivals and since those festivals are over, the petitioners can

not ask for any permission to conduct the said cultural event. Further, in some of the case, Animal Welfare Board has not been added as a party

and hence those Writ Petitions are liable to be dismissed.

9. The Court paid its anxious consideration on the submissions made and also made a perusal of the available materials on record.

10. These Writ Petitions are brought forth by way of Public Interest Litigations either to quash the order denying to accord permission or to issue

directions to the respondents to accord permission to the petitioners, who belonged to different villages to conduct ""Jallikattu @ Manjuvirattu"" in

their respective villages.

11. The contention of the petitioners" side that the ""Jallikattu"" has been conducted traditionally from time immemorial and the said event which is

connected to temple festivals of the respective villages is cultural and sportive is not denied by the respondent/State. The said cultural event is

based on religious faith and the event is practised as a valour.

12. Villagers strongly believe that the cultural events like ""Jallikattu @ Manjuvirattu"", drama etc., are in nature of something tendered to the Village

Deity to protect the village people from drought and to yield good agricultural harvests and to have better cattle rearing apart from maintaining

peace and tranquillity in the village. Villagers do believe strongly if even the age old festivals are not conducted, it would affect them.

13. By the order dated 29.3.2006 in W.P. No. 2966 of 2006, the learned single Judge imposed a complete ban on the conduct of ""Manjuvirattu"",

Jallikattu, Bullock Cart Race (Rekla Race). Aggrieved against the same, the matter was taken on appeal in W.A. No. 119 of 2006. A Division

Bench of this Court, by judgment dated 9.3.2007 in W.A. No. 119 of 2006(batch cases), set aside the order dated 29.3.2006 made in W.P. No.

2966 of 2006 and allowed the Writ Appeal directing the authorities to accord permission imposing certain conditions. Subsequently, a Division

Bench of this Court had an occasion to consider similar request of the petitioners in 3214 of 2007 and by an order dated 9.4.2007 granted

permission to conduct sport event viz., ""Manjuvirattu @ Jallikattu"", during the months of March and April and that order was not challenged by the

State. The order of the Division Bench dated 9.3.2007 passed in W.A. No. 119 of 2006 has been taken on appeal in SLP No. 11686 of 2007 by

the Animal Welfare Board of India, which is pending before the Hon''ble Supreme Court and the Hon''ble Supreme Court though granted stay,

originally, in Application No. 15/2008, by an order dated 15.1.2008 has modified the same imposing certain conditions and issuing guidelines in

the conduct of ""Manjuvirattu or Jallikattu"" event. The conditions imposed by the Supreme Court therein reads as follows:

(i) In Para 29 of the impugned Judgment, the Division Bench of the High Court, has directed certain precautions to be taken. Such precautions

shall be completely followed by the State Authorities.

(ii) The State has submitted the ""guidelines for conduct of Jallikattu"" as Annexure 3 to the present application. The State shall ensure that the said

guidelines, a copy of which is annexed, are fully followed:

(iii) Any organization or group intending to conduct Jallikattu shall inform in writing the Collector of the respective district of Deputy Collector of

the Sub- district at least three days prior to the event and secure his permission.

(iv) The district administration shall take all precautions to ensure that the animals are not tortured or subjected to cruel treatment. They shall also

take necessary steps for the safety of the spectators and participants.

(v) The Collector or Deputy Collector, as the case may be, shall, on grant of permission for any Jallikattu inform the branch of the Animal Welfare

Board in the District Collector shall also extend co-operation to the Doordarshan or Animal Welfare Board to Videograph the event.

Representatives at the Animal Welfare Board shall be given sufficient protection and also give vantage position to videograph the event.

(vi) After the event is held the concerned Collector should give a Report within a

period of two weeks to this Court. They shall follow the above guidelines strictly.

The guidelines suggested for the conduct of ""Jallikattu"" or ""Manjuvirattu"" are stated as follows:

1. Double-barricading of the arena or the way through which the bulls pass through in order to avoid injuries to the spectators and by-standers

who can be permitted to remain within the barricades:

2. Fixing up of gallery for the spectators to sit and watch the proceedings. The gallery should be made with strong sticks to permit occupation;

3. The number of occupants in the Gallery should not exceed the limit prescribed by Public Works Department to avoid collapsing of the gallery. A

safety certificate should be obtained from the local Public Works Department authorities;

4. The persons who wish to bring their bulls should obtain prior permission and the organizers shall see that the bulls are put to proper testing by

Animal Husbandry authorities to ensure that performance enhancement drugs are not administered to the bulls in any form. The authorities should

also ensure issuance of certificate about the relative strength of the bulls from the Animal Husbandry Department Officials. The Joint Director of

Animal husbandry shall requisition the services of the experts from the nearby dispensaries also. The animals selected should also be put to

Nicotine Test, Cocaine Test before a certificate of suitability of the bulls to participate in the event is issued by the authorities;

5. The participants in the event should also enroll their names in Advance to the revenue authorities. They should also be put to thorough check up

by the Physicians available in the medical team and only after their certification about the suitability of the individuals; they should be allowed to

participate in the event.

6. Full fledged medical facility should be made available near the Area so that quick and immediate medical attention can be given to the injured

participants. A mobile hospital and an ambulance with necessary life saving drugs must be kept ready to rush the injured to the major hospitals, if

warranted. The potency of the drugs must be ensured and got certified by Medical Officer of local Government Hospital. Taking expired tablets

and drugs must be strictly avoided. Availability of ambulances nearer the arena

must be ensured. If sufficient ambulances are not available with the Government, Private ambulances must be secured and kept ready to meet emergent contingencies during the event.

7. Potable drinking water supply as well as sanitation facilities should be ensured by the local bodies (i.e. Village Panchayat and Block Panchayat in the village where the event is scheduled.

8. An exclusive dress for the participants can also be thought of both for the sake of identification and to provide a charm to the heroic game. At

Alanganallur, yellow colour banians were supplied free of cost to the participants which made identification of participants easy.

9. A Deputy Collector level Officer can be nominated to look after each item of event management like checking up of bulls, checking up of

participants, checking up the barricading and gallery arrangements, medical facilities, water supply and sanitary arrangements etc.,.

10. Police Department should work out a bandhobust scheme and an Executive Magistrate is attached to the Special Police team.

11. A preliminary meeting can be held with the organizers and the participants at least one day before the date of event and rules are thoroughly

explained to them. The rules can be framed in Tamil in a Pamphlet-format and distributed to create better awareness.

12. Two co-ordination meetings of Officials can be held by the District Collector along with Superintendent of Police first by Preliminary

arrangements and the second one by 5 days before the event.

14. In view of the said order, the Court is of the considered opinion that there can not be any impediment for issuing direction to the respondents in

the respective Petitions to accord permission to conduct Manjuvirattu @ Jallikattu in their respective Villages during the Temple Festivals, but

strictly following the conditions and guidelines stipulated by the Apex Court in its order referred to supra. The petitioners" counsel would submit

that the petitioners agree to strictly adhere to the conditions imposed by the Supreme Court and also the guidelines which formed part of the order.

15. The learned Additional Advocate General would submit that any order passed by this Court is subject to the outcome of the SLP pending

before the Apex Court.

16. At this juncture, it is pertinent to point out that the Temple Festivals in

different villages situate in the Southern Region of Tamilnadu do not fall on certain day or date but varied to three months.

17. As could be seen above, though representations were made much earlier, some of them were rejected stating permission could not be granted and some of them are kept pending even now.

18. Since according to the petitioners, ""Manjuvirattu @ Jallikattu"" event is not only traditional but also cultural based on their religious faith, no

prejudice would be caused by granting permission to conduct the same on or before 31.5.2008. It remains to be stated that the representations

before the authorities were made earlier to March, 2008 and in some of the cases, rejection of the representations has led the petitioners to file

Writ Petitions seeking to quash the order of the respondents and for further direction to the authorities and in some of the cases, representations

are yet to be considered even till the end of April, 2008. However, all these Writ Petitions are pending before this Court from the month of March,

2008. Merely because of the lapse of these two months, the petitioners, in the considered opinion of the Court, need not be denied to get relief for

no fault on their part.

19. While directing the respondents in the respective Petitions to grant permission to conduct ""Manjuvirattu @ Jallikattu"" on or before 31.5.2008.,

it is made clear that this order will have force only to the said period since the subject matter is still pending before the Apex Court in SLP No.

11686/2007 and this order is subject to the order of the Supreme Court in the said S.L.P.

20. In the result, all the above Writ Petitions are allowed directing the respondents to accord permission to the petitioners to conduct Manjuvirattu

@ Jallikattu in their respective villages on or before 31.5.2008, in accordance with the order of the Apex Court dated 15.1.2008 made in I.A.

No. 15/2008 in Petition for Special Leave to Appeal (Civil) No. 11686/2007, which contains the conditions imposed and the guidelines annexed,

to be strictly followed. There will be no order as to costs. Connected Miscellaneous Petitions are closed.