

Madras High Court

C.Kumar vs The Assistant Director on 14 July, 2023

W.P. (MD)No.15645

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P. (MD)No.15645 of 2023
and W.M.P. (MD) No.14045 of 2023

C.Kumar

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Vs.

1. The Assistant Director,
Animal Husbandry Department, Madurai.
2. The Deputy Superintendent of Police,
Madurai South, Madurai District.
3. The Inspector of Police,
Austinpatti Police Station, Madurai.

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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the r pertaining to the impugned order of the 1st respondent in Na.Ka. 2778/A/2023 dated 20.06.2023, quash the same and consequently directing the respondents to grant permission and protection to con Kida Muttu (Goat Fight) scheduled to be held on 15.07.2023 at Thenpalanji Village, Madurai South Taluk, Madurai District.

For Petitioner : Mr.M.Raghuman Khan

For Respondents : Mr.SS.Madhavan
Government Advocate (CrI. Side

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<https://www.mhc.tn.gov.in/judis>

W.P. (MD)No.156

ORDER

This petition is filed for quashment of proceedings of the first respondent dated 20.06.2023 in Na.Ka.2778/A/2023 refusing to grant permission and protection to conduct the event of "Kida Muttu (Goat Fight)" scheduled on 15.07.2023.

2. It is submitted by the learned counsel for the petitioner that the petitioner is a member of association, viz., Arivu Nanbargal Kuzhu. All the villagers decided to conduct Kida Muttu between 08:00 a.m. to 03:00 p.m. and the said event is being conducted every year by the villagers. It is submitted that the Government of Tamil Nadu has amended the provisions of the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017, and granting permission to various places throught the State to conduct Kida Muttu with certain conditions. It is also mentioned that one M.Ganesan has filed W.P.(MD) No.11751 of 2023 before this Court seeking permission for conducting Kida Muttu and the same was allowed on 11.05.2023.

<https://www.mhc.tn.gov.in/judis> W.P.(MD)No.15645 of 2023

3. Originally on 17.05.2023, the villagers have sent a representation by Registered Post to respondents 2 and 3, seeking permission for conducting Kida Muttu and when there was not response from the respondents police, the petitioner stated to have been filed W.P. (MD) No.13539 of 2023 seeking a direction the respondents to grant permission and the same was disposed of with directions to consider the representation and pass orders. However, the permission was ultimately declined by the respondents police.

4. It is submitted further that while conducting Kida Muttu, no animal was forced to fight and since decades there is a practice in the villages to conduct Kida Muttu and the people gathered there will be entertained while watching the event. It is also submitted that all safety measures will be taken as per the guidelines issued by the Animal Husbandry Department and finally, since the organizers have made all the arrangement, the petitioner sought for setting aside the order.

5. Learned Government Advocate (Crl.Side) appearing for the respondents has submitted as per the proceedings of the first respondent - <https://www.mhc.tn.gov.in/judis> W.P.(MD)No.15645 of 2023 the Assistant Director, Animal Husbandry Department, and also the proceedings of the Commissioner of Animal Husbandry and Veterinary Services, Chennai, dated 06.01.2022, that the permission as sought for by the petitioner cannot be given since the said event is not a lawful event under the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017, even after amendment.

6. However, learned counsel for the petitioner relied upon the order of the Division Bench of this Court dated 11.05.2023 in W.P.(MD) No.11751 of 2023, wherein, this Court, in similar circumstances, allowed the said writ petition imposing certain conditions. The relevant portion of the order reads as under:-

"3. Learned counsel for the petitioner draws our attention to the order dated 11.01.2022 made in W.P.(MD).No. 528 of 2022 filed by an association. In the said order, the following directions had been incorporated:

"6.This Court, in Similar circumstances, allowed W.P.(MD).No.10771 of 2013 by order dated 05.07.2013 permitting cock-fight, imposing certain conditions.

Following the said order, the second respondent is <https://www.mhc.tn.gov.in/judis> W.P.(MD)No.15645 of 2023 directed to grant permission to the petitioner to conduct 'Kida-Muttu' event on 22.01.2022 at Mamarthupatti, Madurai District, subject to the following conditions:-

"(i) The 'Kida-Muttu' event to be held on 22.01.2022 shall be supervised by the third respondent as well as by the Veterinary Doctor of nearby Government Veterinary Hospital.

(ii) During the course of conducting 'Kida-Muttu', it is to be ensured that there should not be any injury caused to the goats, involving in the event, and the goats should not be intoxicated with any alcoholic substance and to knives should be tied around the legs, horns of the goats, with the tip of the knives dipped in poisonous substances. The Veterinary Doctor shall ensure the same before starting of the event.

(iii) The petitioner shall bear the expenses towards police protection as well as the expenses towards the Veterinary Doctor.

(iv) It is made clear that the organizers should take all precautionary measures to avoid any untoward incident while conducting the event of 'Kida-Muttu'. <https://www.mhc.tn.gov.in/judis> W.P.(MD)No.15645 of 2023

(v) The second respondent while issuing the proceedings permitting the holding of the event shall stipulate appropriate conditions for adhering to Covid-19 protocol. I make it clear that the order has been passed in this writ petition based on the position obtaining today. It is of-course open to the second respondent to take a call, if any further lock down restriction is imposed by the Government.

(vi) All the above terms and conditions should be followed scrupulously by the petitioner and the petitioner shall file an affidavit of undertaking to the said effect before the second respondent.

4. We direct the third respondent to issue proceedings permitting the petitioner to hold the event by incorporating appropriate conditions as mentioned above.

5. Accordingly, the writ petition stands allowed. There shall be no order as to costs."

7. In view of the above decision rendered by the Division Bench of this Court and also taking into consideration the submissions made by <https://www.mhc.tn.gov.in/judis> W.P.(MD)No.15645 of 2023 the learned counsel for the petitioner as well as the learned Additional Public Prosecutor, this Court is inclined to direct the respondents police to grant permission to conduct Kida Muttu event.

8. Accordingly, the impugned order passed by the first respondent dated 20.06.2023 is quashed. The respondents police are directed to grant permission to the petitioner to conduct the said event on 19.07.2023. The petitioner and other organizers shall follow all the above terms and conditions passed in W.P.(MD) No.11751 of 2023 scrupulously and the petitioner/organizer shall file an affidavit of undertaking to the said effect before the respondents police.

9. With the above directions, this writ petition stands allowed. No costs.

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

<https://www.mhc.tn.gov.in/judis>

W.P. (MD)No.15645 of 2023

To

1. The Assistant Director,

Animal Husbandry Department, Madurai.

2. The Deputy Superintendent of Police, Madurai South, Madurai District.

3. The Inspector of Police, Austinpatti Police Station, Madurai.

4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

<https://www.mhc.tn.gov.in/judis> W.P.(MD)No.15645 of 2023 DR.D.NAGARJUN,J PKN
W.P.(MD)No.15645 of 2023 Dated:14.07.2023 <https://www.mhc.tn.gov.in/judis>