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W.P.No.21366 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2022

CORAM

**THE HONOURABLE MR.JUSTICE T.RAJA  
and  
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

**W.P.No.21366 of 2022**

V.Sounthar

... Petitioner

-VS-

1. The District Collector,  
Erode District, Erode.

2. The Tahsildar,  
Bhavani Taluk,  
Erode District.

3. The Inspector of Police,  
Bhavani Police Station,  
Erode District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.08.2022 and grant permission and protection for conducting rekla race scheduled to be held on 14.08.2022 at about 9.00 a.m. to 12.00 p.m. between Bhavani and Appukudal Road in connection with the 75<sup>th</sup> Independence Day Celebration and Aadi Temple Festival, Bhavani Town, Erode District.



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W.P.No.21366 of 2022

For Petitioner : Mr.E.C.Ramesh

For Respondents : Mr.K.V.Sajeev Kumar,  
Special Government Pleader

**ORDER**

(Order of the Court was made by **T.RAJA, J.**)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.08.2022 and grant permission and protection for conducting rekla race scheduled to be held on 14.08.2022 at about 9.00 a.m. to 12.00 p.m. between Bhavani and Appukudal Road in connection with the 75<sup>th</sup> Year Independence Day Celebration and Aadi Temple Festival at Bhavani Town, Erode District.

2. Learned Counsel appearing for the petitioner would submit that the petitioner is a resident of Bhavani Town, Erode District. While so, the petitioner and his friends have decided to celebrate the 75<sup>th</sup> Year Independence Day and Aadi Festival on 14.08.2022 and 15.08.2022 respectively and as a part of the said celebration, the local people decided to conduct a rekla race on 14.08.2022 from Bhavani to Appukodal Road for which they have approached the respondents seeking permission to conduct a rekla race. Though, the respondents also have received the invitation of the festival, but kept it pending. Therefore, a representation dated 05.08.2022 has been sent by the



W.P.No.21366 of 2022

petitioner to the respondents and the same is also pending without any decision thereof. Hence, the petitioner has been advised to come to this Court since the day for celebrating the 75<sup>th</sup> Year Independence day is fast approaching.

3. Learned Counsel for the petitioner would further submit that when the India is celebrating its 75<sup>th</sup> Year Independence Day, as a part of the Independence Day Celebration, the Indians are entitled to hold functions. Therefore, they have also moved the application which has been completely ignored. In view thereof, the petitioner may be granted permission with any conditions to be complied with. He would also submit that the petitioner is also in paragraph 4 of his affidavit filed in support of the writ petition has given an assurance on behalf of the festival committee that the rekla race will be conducted without indulging in any unlawful activities like gambling. It is also further submitted that moreover, on 14.08.2022, all colleges and schools would be closed in view of the Sunday Weekly Off. Therefore, there will not be any traffic jam between Bhavani and Appukodal Road. He would also submit that the Festival Committee has also made elaborate arrangement for holding emergency health check-ups for both men and animals before they enter into the rekla race. Therefore, a direction may be issued to the respondents for granting



W.P.No.21366 of 2022

permission to conduct the rekla race on 14.08.2022 between 9.00 a.m. to 12.00 p.m. from Bhavani to Appukudal Road as a part of 75<sup>th</sup> Year Independence Day Celebration, he pleaded.

4. Mr.K.V.Sajeew Kumar, learned Special Government Pleader taking notice for the respondents strongly objected to grant the relief sought for by the petitioner herein. He would submit that when a similar request was already accepted and permission was also granted to conduct a rekla race on 31.07.2022 to celebrate the Aadi Festival, once again, the petitioner has given an application on 05.08.2022 to hold a rekla race on 14.08.2022 from Bhavani to Appukudal Road. Since they are unnecessarily intoxicating the horses and also indulging in gambling and betting activities, considering the larger public interest, no permission is granted to conduct the rekla race, however, if a direction is given to consider the petitioner's application dated 05.08.2022, it would be considered and appropriate orders would be passed.

5. Independence Day is being celebrated by all of us on every 15<sup>th</sup> August to celebrate the freedom from the foreign yoke. That celebration would be marked by dancing, singing and distributing sweets and holding different cultural entertainments. Rekla Race is



W.P.No.21366 of 2022

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one of the cultural programmes which has been in vogue from time immemorial in India like Jallikattu. Similarly, the youngsters and youths in both village and urban sides are also organising different cultural programmes and various games like Kapadi, Cricket, Silambam, cycle race and motor race to mark the India's Independence and also to remember the supreme sacrifices made by the people to get free from the foreign ruling. Therefore, the objection raised by the respondents that the bulls participating in the rekla race could be intoxicated is only based on frivolous assumption. When the petitioner came forward to conduct the rekla race as part of the 75<sup>th</sup> Year Independence Day, we are afraid that refusing their prayer would send a message that Indians are refused to celebrate even the Independence Day. Therefore, any cultural programme organised has to be viewed on par with competition being organized by schools and colleges and other organisations. Hence, we find merits on the submissions made by the learned Counsel for the petitioner for granting the relief as prayed for.

6. Further, the 14<sup>th</sup> August also falls on Sunday and on Sunday, since all the colleges and schools would be closed, there is no possibility of any traffic jam between Bhavani and Appukudal Road. Secondly, it also appears that the Festival Committee has also made



W.P.No.21366 of 2022

some arrangements to conduct the rekla race like holding emergency health check ups both to the men and animals, taking part in the rekla race. Thirdly, the petitioner has also given an assurance in the affidavit filed in support of the writ petition that they would conduct the rekla race without indulging in any unlawful activities like gambling and betting. Therefore, when the Nation is also gearing towards the celebration of Our 75<sup>th</sup> Year Independence Day in a grand manner, the objections raised by the learned Special Government Pleader that they have already granted permission to another party to hold a similar rekla race on 31.07.2022 cannot be a reasonable objection. Hence, rejecting his objection, at the same time, accepting the undertaking given by the petitioner, we are of the view that the permission has to be granted to the petitioner and his people to take part in the 75<sup>th</sup> Year Indian Independence Day Celebrations.



W.P.No.21366 of 2022

7. Accordingly, the Writ Petition is disposed of with the following conditions:

(a) The rekla race in connection with the 75<sup>th</sup> Year Independence Day and Aadi Festival by considering the petitioner's representation dated 05.08.2022 be held on 14.08.2022 between 9.00 a.m. to 12.00 p.m. from Bhavani to Appukudal Road;

(b) There shall not be any betting or intoxication of bulls;

(c) If there is any violation of any one of the conditions imposed above, the concerned Police Officer is at liberty to take necessary action, as per law and stop the rekla race forthwith.

(d) The 3<sup>rd</sup> respondent is directed to issue necessary permission incorporating the above conditions.

No costs.

**(T.R.J.,)**

**(K.B.J.,)**

12.08.2022

Note :

Issue order copy today

tsi

**T.RAJA,J.**



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To

1. The District Collector,  
Erode District, Erode.
2. The Tahsildar,  
Bhavani Taluk,  
Erode District.
3. The Inspector of Police,  
Bhavani Police Station,  
Erode District.



W.P.No.21366 of 2022

**AND**  
**K.KUMARESH BABU, J.**  
**tsi**

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**12.08.2022**