

W.P(MD)No.27950 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.10.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27950 of 2025

M.Muventhan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Trichy District.

3.The Inspector of Police,
T.Kallupatti Police Station,
T.Kallupatti.

... Respondents

(R3 is suo motu impleaded vide order dated 08.10.2025 in W.P.(MD)No.27950 of 2025 by GRSJ).

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.3780973 / 2025/C1 dated 19.09.2025 and quash the same as illegal, arbitrary and in violation of principles of natural justice and consequently direct the respondents to

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grant permission to conduct cock fight (without Knife) on 26.10.2025 at
Kaaraikeni, Peraiyur Taluk, Madurai District.

For Petitioner : Mr.S.Shanmugam

For Respondents : Mr.M.Gangatharan,
Government Advocate for R1 & R2.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R3.

ORDER

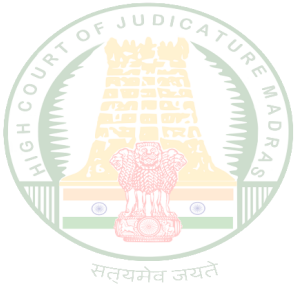
Heard both sides.

2.The only question that calls for consideration is whether the writ petitioner can be permitted to organize a cock fight event.

3.The learned counsel appearing for the writ petitioner relies on the following two orders in support of his contention that he is entitled to conduct the event:

(i) W.P.(MD)No.21076 of 2024 (***G.Diwahar Vs. The District Collector, Theni District and others***), dated 04.09.2024.

(ii) W.P.(MD)No.15538 of 2025 (***Rajesh Kumar Vs. The District Collector, Madurai District and another***), dated 10.06.2025.



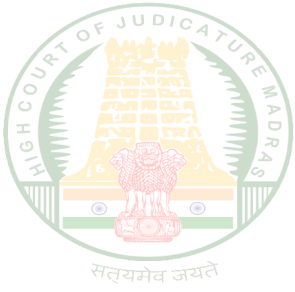
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4.I am not persuaded. This is for the reason that the aforesaid orders of the Single Judges run counter to what was laid down by the Hon'ble Division Bench in the decision reported in **2014 (3) CTC 676 (S.Kannan Vs. Commissioner of Police, Madurai City and Others.** Section 11(1)(m)(ii) and (n) of the Prevention of Cruelty to Animals Act, 1960 penalizes any person who solely with a view to providing entertainment incites any animal to fight any other animal or who organizes, keeps, uses or acts in the management of any place for animal fighting. The Hon'ble Division Bench in the aforesaid decision gave a purposive interpretation to the word animal as including birds. This approach is in consonance with the definition of the term animal found in Section 2(a) of the Act. "Animal", as per the statutory definition, means any living creature other than a human being. When the decision of the Single Judges is opposed to the decision of the Division Bench, I am obliged to follow what was laid down by the Division Bench.

5. The Director General of Police had issued circular memorandum dated 28.08.2025 holding that cock fight should not be allowed. In fact, the memorandum merely incorporates the directions given by this Court on 13.08.2025 in W.P.Nos.25985 of 2025 etc batch.

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6. It is true that in M.Munusamy @ Chinnapaiyan Vs. The Superintendent of Police (W.P.No.592 of 2025 vide order dated 09.01.2023), a Division Bench of this Court permitted cock fight. I carefully went through the said order. I could not discern any ratio therein. When I am faced with two conflicting decisions rendered by Benches of equal strength, I am obliged to follow that decision which is based on a principle and which reflects the legal position more accurately. The 2014 decision (Kannan) is in accord with the statutory scheme. In the latter decision, there is no reference to Section 11 of the Act at all. The 2023 decision should therefore be confined to the facts of that case.

7. In Deccan Herald newspaper issue dated 12.01.2018, it was reported that the Supreme Court allowed cock fights to be conducted in a traditional way. It was stipulated that knives should not be tied to the legs of the roosters. The report also carried the statement of an NGO(Humane Society International, India) that irrespective of whether the birds are fitted with knives or whether ancillary activities of betting, gambling take place, the practice of animal fights is prohibited by law. When Section

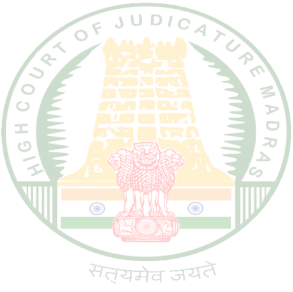


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11(1)(m) & (n) stare at my face, I cannot defy the statutory mandate. The

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Supreme Court in exercise of Article 142 of the Constitution can pass any order to render substantial justice. Such leeway is not available to the High Courts. There are exempting provisions in the Prevention of Cruelty to Animals Act, 1960. Section 28 reads that nothing contained in this Act shall render it an offence to kill any animal in a manner required by the religion of any community. Section 17 enables experiments to be performed for scientific purposes with minimal suffering. In the name of culture, certain events such as Jallikattu have been permitted. Even Article 29 of the Constitution of India was invoked for that purpose. Even though cock fight can be said to be prevalent and there is even a well known film “Aadukalam” featuring it as its central theme, I am afraid that cultural status cannot be conferred on cock fight in the State of Tamil Nadu. The Supreme Court case mentioned above pertains to Telangana region. The petitioner may have a case, if the State of Tamil Nadu enacts a law akin to the 2017 amendment made in the wake of Jallikattu agitation.



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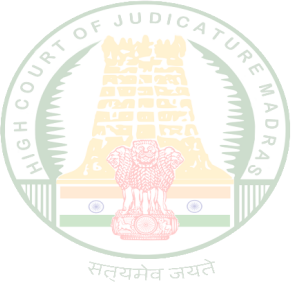
8. A writ of mandamus can be issued only to enforce a legal right or a legal duty. The petitioner has no legal right. On the other hand, the statute expressly prohibits an animal fight event organized by human beings. This writ petition stands dismissed. No costs.

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