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WP No. 20225 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-05-2026

CORAM

THE HON'BLE MR JUSTICE G. R. SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP No. 20225 of 2026

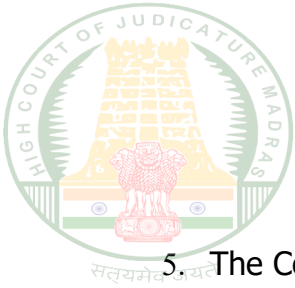
K. Surya Alias K. Surya prasanth
S/o krishnamoorthy
No 7/1 narayanasamy nagar 3rd Veethi Lotus Garden
L.I.C. Colony Telugupalayam,
Selvapuram, Coimbatore 641 026

..Petitioner(s)

Vs

1. The Secretary to the Government
Animal Husbandry, Dairying Fisheries and Fishermen
welfare Department, Secretariat, chennai 600 009
2. The Director General of Police
Dr Radhakrishnan Road,
mylapore, Chennai 600 004
3. The District Collector
District collectors office,
Coimbatore 641 018
4. The Commissioner of Police
office of the commissioner of Police,
Coimbatore city 641 018

Page 1 of 16



WP No. 20225 of 2026

5. The Commissioner of the corporation
Corporation office, Town Hall,
Coimbatore 641 001

6. The Deputy commissioner of Police
Office of the Commissioner of Police,
Coimbatore city 641 018

7. The Inspector of Police
D2 Police station Selvapuram
Coimbatore 641 026

..Respondent(s)

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the Respondents to consider the petitioners representation dated 18.05.2026 and take steps to prevent the slaughter of cows in public places.

For Petitioner : Mr.N.Seshadhri

For Respondents : Mr.P.V.Balasubramaniam, Additional Advocate
General assisted by Mr.M.Guruprasad for R1

Mr.T.Gowthaman, Additional Advocate
General assisted by Mr.M.Guruprasad for R3
and R5

Mr.R.John Satyan, Public Prosecutor

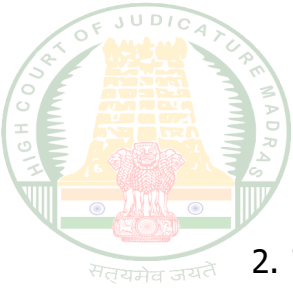
assisted by Mr.C.R.Malarvannan – for R2, R4,
R6 and R7

Order

(Order of the Court was made by G.R.Swaminathan J.)

Heard both sides.

Page2 of 16



WP No. 20225 of 2026

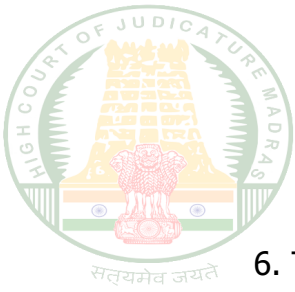
2. The question that calls for consideration in this PIL is whether cows and calves can be sacrificed in places not designated as slaughter houses on the occasion of Bakrid.

3. The writ petitioner is a resident of Coimbatore. He is an activist. His complaint is that for the purpose of qurban (sacrifice) on the occasion of Bakrid, arrangements have been made for slaughtering cows and calves in areas not designated as slaughter houses. He submitted a representation to the authorities. Since it was not considered, he filed the present writ petition for directing the authorities to take steps to prevent such slaughter.

4. Counter affidavit has been filed and paragraphs 4 and 5 of it read as follows.

“ 4. It is respectfully submitted that, on 21.05.2026, the respondent police visited the scene of occurrence and inspected the place designated for cow slaughter (Qurban). Upon such inspection, the respondent police came to understand that the concerned authorities had erected a temporary shed for the purpose of conducting cow slaughter in a non-public area, without causing any obstruction to traffic or offending the religious sentiments of persons belonging to other communities.

5. It is submitted that now the petitioner filed this present petition before this Hon'ble High Court, Madras seeking a writ of mandamus directing the respondents to consider the petitioner's representation dated 18.05.2026 and take steps to prevent the slaughter of cows in public places and pass such further or other orders.”



WP No. 20225 of 2026

6. The respondents have thus conceded the veracity of the averments set out in the affidavit filed in support of the writ petition.

7. Article 48 of the Constitution of India mandates that the State shall take steps for prohibiting the slaughter of cows and calves and other milch and draught cattle. During the debates in the Constituent Assembly, it was pointed out that cow is a revered animal and that it has been associated with our civilisation from the time of Lord Krishna. During the rule of many Muslim kings cow slaughter was abolished. Cow protection was an issue so dear to Mahatma Gandhiji. The eminent scholar Shri Dharampal pointed out that only to cater to the dietary requirements of the colonial army, cows came to be slaughtered in very large numbers. After India attained independence, several States passed legislations and those legislations had also been upheld.

8. The Hon'ble Supreme Court observed that many Muslims do not sacrifice cows on BakrI'd day. Sacrifice of a cow on that day is not an obligatory overt act for a Musalman to exhibit his religious belief and idea (**Mohammed Hanif Quareshi -vs- State of Bihar AIR 1958 SC 731**). Sacrifice of any animal by the Muslims for the religious purpose on BakrI'd does not include slaughtering of cows as the only way of carrying out that sacrifice. Slaughtering of cows on this occasion is neither essential to nor necessarily required as part of the religious ceremony (**State of West Bengal -vs- Ashutosh Lahiri (1995) 1 SCC 189**). When the State of Gujarat enacted a ban on the slaughter of the progeny of cows by amending the



WP No. 20225 of 2026

Bombay Animal Preservation Act, the Hon'ble Supreme Court sustained the same

(2005) 8 SCC 534 (State of Gujarat -vs- Mirzapur Moti Kureshi Kassab Jamat).

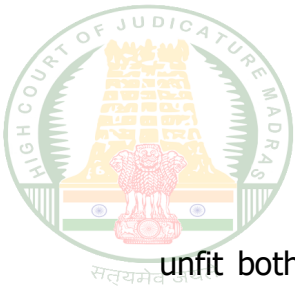
9. The State authorities are obliged to act in the matter in view of the provisions found in the Tamil Nadu Animal Preservation Act. Section 4 of the Tamil Nadu Animal Preservation Act, 1958 reads as follows,

4. Prohibition of slaughter of animals without certificate.

(1) Notwithstanding anything in any law for the time being in force or any usage to the contrary, no person shall slaughter or cause to be slaughtered any animal unless on an application made in this behalf he has obtained a certificate in the prescribed form from the competent authority for the area in which the animal is to be slaughtered that the animal is fit for slaughter.

(2) All application for a certificate under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed. (3) No certificate shall be granted under sub-section (1) unless the competent authority, for reasons to be recorded in writing, is of opinion that-(a) the animal is over ten years of age and is unfit for work and breeding; or (b) the animal has become permanently incapacitated for work or breeding due to injury, deformity or any incurable disease:”

10. Therefore, no cow can be slaughtered unless it is over 10 years of age and is unfit for work and breeding. Or it should have become permanently incapacitated for work or breeding due to injury, deformity or any incurable disease. Since this provision enables cow slaughter and is at variance with Article 48 of the Constitution of India, the provision will have to receive a strict construction. In Section 4(3)(a) of the Act, the expression used is “and”. Thus, the animal should be



WP No. 20225 of 2026

unfit both for work as well as breeding. It should be aged above 10 years. The

certificate must have been issued by the competent authority in the prescribed form.

Section 4(3)(b) should be understood to mean that the permanent incapacitation is due to injury, deformity or any incurable disease. If no such certificate in the prescribed form signed by the competent authority is furnished, slaughter cannot be permitted.

11. This is one aspect of the matter. In Maneka Gandhi's Animal Laws of India, we came across a Government Order issued by the Tamil Nadu Government.

It reads as follows:

"G.O.Ms.No.1715

Representations have been received from various quarters requesting the Government to ban the slaughter of cows and heifers (cow). The slaughter of cows and heifers (cow) affects the rural economy by depriving the supplemental sources of income to the marginal and small farmers and reducing the availability of breeding stocks for upgradation of milche animals and also leads to a fall in the output of farmyard manure.

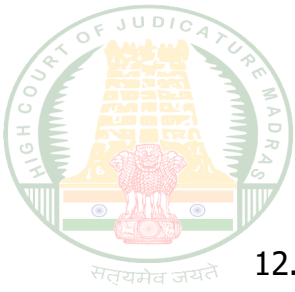
2. Government, therefore, considers it necessary to enforce a ban on cow slaughter, in the interest of milk production and the improvement of rural economy, Government hereby, direct that the slaughter of cows and heifers (cow) be banned in all the slaughter houses in Tamil Nadu.

This order will come into force with immediate effect.

By Order of the Governor

V.Karthikeyan

Chief Secretary to Government"



12. Since the executive power is co-terminus with the legislative power, a Government Order issued by the Government banning cow slaughter is very much sustainable and has to be enforced, as it has the force of law.

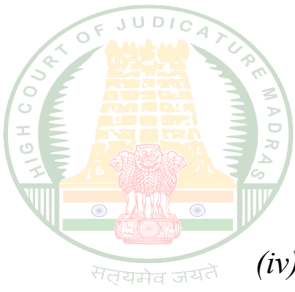
13. These issues were considered by the Hon'ble Division Bench vide order dated **30.07.2020 in W.P.No.10043 of 2020 (M/s. Madurai North Indian Welfare Association -vs- the Chief Secretary, Government of Tamil Nadu)**, and the following directions were issued.

“20. In view of the seriousness of the matter and urgency, we pass the following interim orders, for immediate compliance:-

(i) The various authorities of the State Government and Police and Municipal Administration of the State shall ensure strict and literal implementation of the provisions of the aforesaid Prevention of Cruelty to Animal (Slaughter House) Rules, 2001 and Transport of Animals Rules 1978, Transport of Animals (Amendment) Rules 2001 Transportation Rules, and the Notification dated 18.06.2020, issued by the Ministry of Fisheries, Animal Husbandry and Dairying, Government of India (Department of Animal Husbandry and Dairying);

(ii) No slaughtering of animals of the permitted category, except the prohibited category of camels and cows etc. under due certification of the medical practitioners, as advised in the said rules, shall be allowed in public places at all. The said activity of slaughtering can be permitted only in the duly recognized, approved and licensed slaughter houses. We make it clear that since there is no exception in the said Slaughter Rules or any other rules framed under the said Act 1961, for religious occasions also, the compliance of Rules shall be made in its letter and spirit by all the authorities concerned even on the ensuing Bakrid or other religious festivals;

(iii) We would expect the State of Tamil Nadu also to issue the Guidelines for Goat Eid, immediately, in consonance with the guidelines issued by the State of Maharashtra and Karnataka as aforesaid, in terms of the Notification issued by the Central Ministry through the Animal Welfare Board, dated 18.06.2020;



WP No. 20225 of 2026

WEB COPY

(iv) *We also expect and express our hope that compliance with the provisions of the Act and Rules, decisions of the Hon'ble Supreme Court and this order of the Court, will be made by all the concerned, including the citizens of the State, belonging to particular community in true letter and spirit, of all the statutes and court directions, not only in all times generally, but particularly in Covid 19 period also, which is a serious existential threat to the humanity itself and the said disease does not have any cure or vaccine as of now available to save the spread of corona virus and the usual free movement of people and economic activities is absolutely paralyzed in all the countries of the world, including India;*

(v) *Therefore, we also feel that it is all the more necessary to implement these rules, guidelines in a more stringent manner and public gatherings or slaughtering at public places is avoided at all costs;*

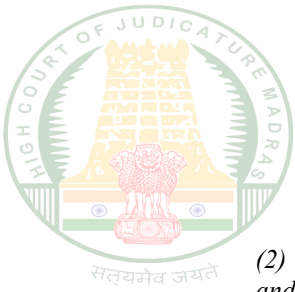
(vi) *We not only expect the authorities of the State to implement the aforesaid rules and directions of the court in true letter and spirit, but we would also urge the leaders in society, like political leaders and religious leaders and other social activists, as stated by the First Prime Minister of our country Pandit Jawaharlal Nehru that "Real kindness comes from a sense of friendship with animals", to propagate the idea of friendliness with animals and non violence to them and the good message and spirit, which is at the bottom of these Acts, Rules and Court directives and to ensure a very congenial, peaceful and meticulous compliance of all these laws and directions."*

14. The other question that has to be answered is whether sacrifice can be carried out in any place. Our answer is that slaughter of an animal can take place only in a designated place. Section 113 of the Tamil Nadu Urban Local Bodies Act 1998 reads as follows:

15. Rule 297 and 298 of the Tamil Nadu Urban Local Bodies Rules, 2023 reads as follows:

Rule 298 : Maintenance of Slaughter House

(1) *No person shall slaughter any animal except in the slaughter house provided by the municipality or in a private slaughter house duly established by obtaining a valid licence under rule 298.*



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(2) *The rates of fees to be levied in the slaughter house shall be fixed by the council and notified for public information, besides, keeping a board displaying the rates of fees, in one or two conspicuous places in the slaughter house.*

(3) *The council may arrange to collect the fees to be levied in a public slaughter house, departmentally or may outsource the collection of such fees.*

(4) *Where the council decides to place the management of a slaughter house referred to in sub-rule (1), under the management of a private person, it shall be effected as per the provisions of the Tamil Nadu Transparency in Tenders Act, 1998 (Tamil Nadu Act 43 of 1998).*

(5) *Every animal brought to the slaughter house to be slaughtered for human consumption, shall be examined by the officer authorised by the Commissioner for this purpose, who on inspection of the animal finds it fit for human consumption shall affix the seal on the slaughtered animal in such a way as the seal remains in the meat, when exposed for sale. No animal found unfit by such officer authorised by the Commissioner shall be allowed to be slaughtered and no butcher shall sell the meat of any animal not slaughtered in the municipal slaughter house or which does not bear the seal of the municipality.*

(6) *The meat of animals slaughtered not in conformity with sub-rule (5) shall be destroyed by the Commissioner or the officer authorised by the Commissioner in this behalf and the person causing the unauthorised slaughter may also be prosecuted by the Commissioner for violation of this rule.*

Rule - 298. Licensing of private slaughter-house :-

(1) *No person shall establish or maintain or run a private slaughter house for slaughtering of animals or use any place for processing any skin of animals or carcasses without obtaining a licence issued by the Commissioner.*

(2) *Every application for the grant of licence under sub-rule (1) shall be made to the Commissioner in Form 6 together with the fee fixed by the council within the minimum and maximum rate of fees specified in Schedule V.*

(3) *Every application shall be accompanied by a plan in duplicate of such place showing clearly the several portions thereof proposed to be used as the slaughtering yard, the skinning place, the airing room, etc. and all other arrangements required for the purpose.*

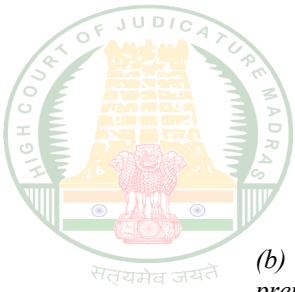
(4) *On receipt of an application for the grant of licence under sub-rule (2), the Commissioner may either grant the licence in Form 14 or refuse to grant the licence for reasons to be recorded in writing:*

Provided that the Commissioner shall get a No Objection Certificate from the Deputy Superintendent of Police or Deputy Commissioner of Police concerned before granting the licence:

Provided further that no licence shall be refused without giving a reasonable opportunity of being heard.

(5) *The licence under sub-rule (4) shall be granted, subject to the following terms and conditions, namely:-*

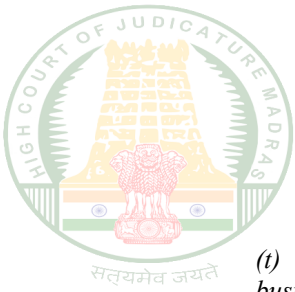
(a) *The licensee shall comply with the Tamil Nadu Combined Development and Building Rules, 2019.*



WP No. 20225 of 2026

WEB COPY

- (b) *No activity prohibited by any law in force shall be carried out at the licensed premises.*
- (c) *The Licensee shall cause the flooring of the premises to be paved or otherwise rendered impervious and suitably drained and at all times be maintained in good order and repair.*
- (d) *The premises shall be properly enclosed and provided with suitable gateways and gates.*
- (e) *The Licensee shall cause the premises to be cleaned and prevent any accumulation of filth or refuse therein.*
- (f) *The licensee should comply with all the provisions of the Solid Waste Management Rules, 2016.*
- (g) *The licensee shall cause every part of the internal surface of the walls and ceiling of every building upon the said premises to be transparentwashed or painted regularly.*
- (h) *The Licensee shall provide sufficient supply of pure and wholesome drinking water.*
- (i) *The Licensee shall cause such means of ventilation and lighting as may be provided in or in connection with the said premises to be maintained at all times in good order and efficient action.*
- (j) *An inspection book should be maintained in the licenced premises. The instructions given in the inspection book should be carried out within the time specified therein.*
- (k) *Licence issued by the municipality should be displayed in a prominent place.*
- (l) *The licensee should install Closed Circuit Television units in the public building in accordance with the Tamil Nadu Combined Development and Building Rules, 2019.*
- (m) *The licensee shall provide access to the premises, without notice, for inspection by the Commissioner or any officer authorized by him in this behalf at any time by day or by night when such premises is being used.*
- (n) *The licensee shall provide suitable covered receptacles in suitable places in such premises for the deposit of all refuse matter and shall cause such receptacles to be emptied at least once in every twenty-four hours in a hygienic manner.*
- (o) *No products banned by the Government, should be displayed or exposed for sale or use to the customers.*
- (p) *Fire safety norms shall be followed.*
- (q) *The licensee shall cause every part of the structure of every latrine and water closet in such premises to be maintained, at all times, in good order and every part of the apparatus of such latrine or water closet and every drain or means of drainage leading therefrom to be maintained, at all times, in good order and efficient action.*
- (r) *The licensee shall cause such premises to be thoroughly swept, washed and cleansed at least once in every twenty four hours and shall prevent any accumulation of filth or refuse therein except in the covered receptacles.*
- (s) *The licensee shall, at all times, take suitable steps to keep every building in such premises free from rats or other rodents.*



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(t) *No person suffering from an infectious or contagious disease shall carry on the business and no licensee shall employ any person suffering as aforesaid to assist him in carrying on such business.*

(u) *The licensee shall, immediately on knowing that any person in such premises is suffering from any infectious, contagious or dangerous disease, adopt such precautions as may be necessary to prevent the spread of infection and inform the public health officer of the municipality.*

(v) *The Licensee should display the sign board of the trade in Tamil.*

(w) *No person shall use any premises, or permit any premises to be used, for the purpose of a slaughter-house or as a lair of cattle kept in connection therewith unless such premises, are situated in open ground at a distance of not less than 100 metres from the nearest human habitation or well or other source of domestic water supply.*

(x) *Every private slaughter-house shall be constructed of masonry and no part thereof shall be constructed of inflammable materials.*

(y) *Every private slaughter-house shall be suitably enclosed by a masonry wall not less than 6 feet high and shall be provided with suitable gateways and gates, and otherwise fully screened from public view.*

(z) *The approach to every private slaughter-house shall not be on an incline of more than 1 in 4 and shall not pass through any dwelling house or shop.*

(aa) *The floor of every private slaughter-house shall be at least one foot above the level of the adjoining ground.*

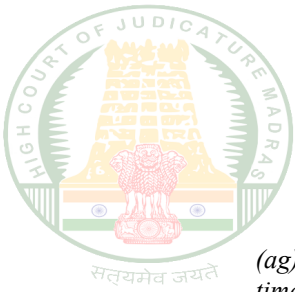
(ab) *The licensee shall cause every part of such slaughter-house to be paved or otherwise made impervious. The licensee shall cause the floor to be sufficiently smooth and sloped towards an impervious masonry drain discharging into an impervious masonry cistern situated outside the slaughter-house. The licensee shall construct the cistern to be of such dimensions as to hold not less than 24 hours flow of waste water from such slaughter-house and cause it to be closely covered and fitted with an air-tight frame and cover and to be completely emptied and cleaned at least once in every 24 hours.*

(ac) *The licensee shall cause every part of the compound of such slaughter-house to be paved or metalled and drained to the satisfaction of the public health officer, and shall cause it to be maintained, at all times, in good order and repair.*

(ad) *The licensee shall provide suitable means of ventilation communicating directly with the external air, and lighting upon or in connection with such private slaughter-house and shall cause the same to be maintained, at all times, in good order and efficient action.*

(ae) *The licensee shall cause every part of the walls and every part of the floor or pavement of such slaughter-house to be maintained, at all times, in good order and repair so as to prevent the absorption therein of any blood or liquid refuse or filth which may be spilled or splashed thereon or any offensive matter which may be deposited thereon or brought into contact therewith.*

(af) *The licensee shall provide suitable latrine accommodation for persons employed in or using such slaughter-house. He shall construct such latrine attached thereto outside the slaughter-house and its enclosing wall.*



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(ag) The licensee shall not permit any part of such slaughter-house to be used, at any time, for purposes of human habitation nor shall he permit any fires to be lighted or any cooking to be done therein.

(ah) The licensee shall cause every drain or means of drainage which may be provided upon or in connection with such slaughter-house to be maintained, at all times, in good order and efficient action.

(ai) The licensee shall cause such slaughter-house to be thoroughly washed and cleansed within three hours after the completion of the slaughtering or dressing and shall prevent any accumulation of filth or refuse therein.

(aj) The licensee shall provide suitable covered air-tight non-absorbent receptacles for the deposit of all refuse matter and shall cause such receptacles to be emptied not less than twice in every 24 hours or more often if so required by the public health officer and disposed of in such manner as may be approved by him.

(ak) The licensee shall not pass or permit to be passed any solid refuse matter or any solid contents of entrails into any public or private sewer or drain.

(al) The licensee shall provide in such slaughter-house such means and appliances as the public health officer may prescribe to enable the dressing of carcasses to be carried on in a clean and sanitary manner.

(am) The licensee shall not keep or pen therein any animal intended for slaughter, but shall collect them for purposes of inspection at such time and place as may be appointed by the Commissioner and shall not slaughter any animal until it has been inspected and pronounced to be free from disease by an officer (hereinafter referred to as the Inspecting Officer) appointed by the Commissioner in this behalf.

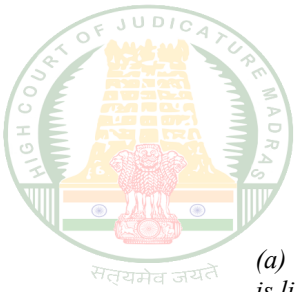
(an) The Inspecting Officer shall reject such animals as may for any reason appear to him unfit to be slaughtered for human consumption. The owner of an animal so rejected shall cause it to be forthwith removed; but any such animal if found to be affected with infectious or contagious disease shall be seized and destroyed and disposed of in such manner as to prevent its being used for human food or exposed for sale and any expenses that may be incurred in such seizure, destruction and disposal shall be borne by the owner of the animal.

(ao) The licensee shall not admit any dying or dead animal into the slaughterhouse, nor shall admit any animal found to be affected with infectious or contagious disease, but shall forthwith intimate to the Health Officer the facts of the case and segregate the animals in an isolated part of the building and shall not return them to the owner until the animals have been inspected by an officer of the municipality and necessary orders are issued by him thereon.

Explanation.- This condition shall not apply to the case of an animal which has met with an accident rendering it unfit for further work, if it is brought to the slaughter-house immediately after the accident.

(ap) Every person employed in the slaughtering of animals in any private slaughter-house shall use such instruments and appliances and shall adopt such methods of slaughtering and otherwise take such precautions as may be required to secure the infliction of as little pain or suffering as practicable.

(aq) Every person engaged in a slaughter-house in driving or bringing any animal to the place of slaughter shall,-



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(a) *avoid so far as practicable driving or bringing the animal over any ground which is likely to cause the animal to slip or fall; and*

(b) *otherwise adopt such methods and precautions as will prevent the infliction upon the animal of unnecessary suffering or pain.*

(ar) *No person shall in a slaughter-house, slaughter or cause or suffer to be slaughtered any animal or cause or suffer its carcass to be dressed in the view of another animal.*

(as) *The licensee shall not cause or allow any blood or other refuse to flow from such slaughterhouse so as to be within the sight or (so far as it is practicable to avoid it) within the smell of any animal in the slaughter-house and shall not cause or allow any such blood or other refuse to be deposited in the waiting pens or lairs.*

(at) *Every person who brings animals into a slaughter-house for slaughter shall keep them at the waiting pen or lair provided for the purpose, for a period of not less than 48 hours before slaughter, and during such time or any subsequent extension thereof, the animals shall be fed at the expense of such person.*

(au) *An officer appointed by the Commissioner shall stamp all carcasses and meat from a private slaughter-house. No person shall remove carcasses and meat from a slaughter-house to any market or other place except in a suitable covered vehicles of a pattern and size approved by the public health officer and specially set apart for the purpose. Such person shall, during such removal, conceal the carcasses and meat from the public view and completely protect them from flies and dust. Persons providing such vehicles shall, at all times, keep the same in a clean and sanitary condition and in good order and repair.*

(av) *The licensee shall not permit the sale of meat in any private slaughter-house, but may allow the sale of offal and skins in such places as may be assigned therein for such purposes and at such hours as may be fixed by the public health officer.*

(aw) *The licensee shall cause the removal from such slaughter-house, skin, entrails and all other offal within three hours of the completion of slaughtering or dressing.*

(ax) *No person shall insufflate or blow any carcass.*

(ay) *No person suffering from an infectious or contagious disease shall enter any private slaughter-house, nor shall any person suffering as aforesaid be employed by the licensee to remove or assist in the removal of carcasses or meat from the slaughter-house.*

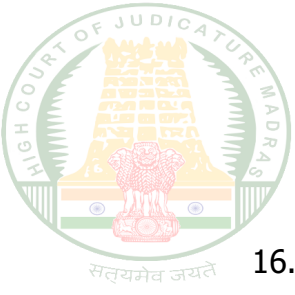
(6) *The licence issued under sub-rule (4) shall be valid for a period of three years from the date of issue.*

(7) *The slaughter houses shall be enclosed and screened from public view.*

(8) *They shall be kept in clean and sanitary condition, arranging for periodic removal of the offal, blood and other wastes without allowing accumulation thereof.*

(9) *There shall be sufficient supply of water in the slaughter house for periodic cleaning, flushing and the place shall be effectively drained without any stagnation.*

(10) *The place must also be properly sheltered and covered, to avoid any nuisance to the public.”*



WP No. 20225 of 2026

16. A reading of the aforesaid provisions leads us to the conclusion that the authorities cannot permit slaughter of any animal in a place other than designated slaughter houses.

17. We allow this writ petition with a direction to the State of Tamil Nadu to ensure that no cow or calf is slaughtered on the eve of Bakrid or on any other day. The authorities particularly the Chief Secretary to the Government and the Additional Director General of Police (Law and Order) are obliged to issue suitable instructions to all the officials concerned to ensure that there is no breach of this order. No costs. For reporting compliance call on 29.05.2026.

(G.R.S.,J.) (V.L.N.,J.)

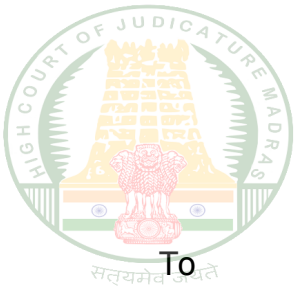
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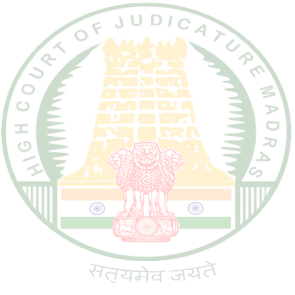


WP No. 20225 of 2026

To

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1. The Secretary to the Government
Animal Husbandry, Dairying Fisheries and Fishermen
welfare Department, Secretariat, Chennai 600 009
2. The Director General of Police
Dr Radhakrishnan Road,
mylapore, Chennai 600 004
3. The District Collector
District collectors office,
Coimbatore 641 018
4. The Commissioner of Police
office of the commissioner of Police,
Coimbatore city 641 018
5. The Commissioner of the corporation
Corporation office, Town Hall,
Coimbatore 641 001
6. The Deputy commissioner of Police
Office of the Commissioner of Police,
Coimbatore city 641 018
7. The Inspector of Police
D2 Police station Selvapuram
Coimbatore 641 026
8. The Chief Secretary to Government
Fort St.George, Chennai 600 009.
9. The Additional Director General of Police
(Law and Order), Chennai.



WEB COPY



WP No. 20225 of 2026

G.R.SWAMINATHAN J.

AND

V.LAKSHMINARAYANAN J.

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WP No. 20225 of 2026

27-05-2026

Page 16 of 16