



CIVIL

Qurban Without Cows: The Madras High Court Reaffirms the Absolute Bar on Cow Slaughter in Tamil Nadu

K. Surya alias K. Surya Prasanth v. Secretary to the Government & Ors. WP No. 20225 of 2026 | High Court of Judicature at Madras Decided: 27 May 2026 Introduction In a significant pronouncement delivered on 27 May 2026, a Division Bench of the High Court of Judicature at Madras comprising the Hon'ble Mr. Justice [...]

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PUBLISHED 31 May 2026

Introduction

In a significant pronouncement delivered on 27 May 2026, a Division Bench of the High Court of Judicature at Madras comprising the Hon'ble Mr. Justice G.R. Swaminathan and the Hon'ble Mr. Justice V. Lakshminarayanan allowed a Public Interest Litigation filed by a resident activist of Coimbatore, directing 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 judgment constitutes a comprehensive synthesis of constitutional mandates, statutory provisions, and settled Supreme Court precedent, reaffirming in unambiguous terms that the slaughter of bovine cattle in Tamil Nadu is subject to strict legal prohibition.

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Background and Genesis of the Petition

The petitioner, K. Surya Prasanth, a resident of Selvapuram, Coimbatore, moved the High Court under Article 226 of the Constitution of India seeking a Writ of Mandamus. His grievance arose from a disconcerting discovery: that on the occasion of Bakrid, certain parties had made arrangements to conduct the ritual sacrifice "*qurban*" of cows and calves in a temporary shed situated outside any designated or licensed slaughter house.

Having submitted a formal representation to the concerned authorities on 18 May 2026 without receiving any response, the petitioner invoked the extraordinary writ jurisdiction of the High Court. The respondents ranging from the Secretary to the Government (Animal Husbandry Department) to the local Inspector of Police filed a counter affidavit acknowledging that the police had inspected the site and found a temporary shed erected in a non-public area, an averment that the Court held to be a de facto concession of the petitioner's factual case.

The Constitutional and Statutory Framework

The Court anchored its analysis in Article 48 of the Constitution of India, which places a directive obligation upon the State to take steps to prohibit the slaughter of cows, calves, and other milch and draught cattle. The Bench noted the historical significance of this provision, tracing its roots to the Constituent Assembly debates and the cultural heritage of the nation, while also observing that several Muslim rulers had themselves abolished cow slaughter during their reign.

On the statutory plane, the Court examined Section 4 of the Tamil Nadu Animal Preservation Act, 1958, which mandates that no animal may be slaughtered without a certificate of fitness issued by the competent authority. Crucially, the Court applied a strict construction to this provision consistent with its status as a derogation from the constitutional mandate under Article 48 holding that the conjunctive and in Section 4(3)(a) imposes a dual condition: the animal must be both over ten years of age and unfit for work and breeding. Absent a properly certified compliance with these twin conditions, slaughter is wholly impermissible.

The Court further gave legal force to G.O. Ms. No. 1715, a Government Order issued by the Tamil Nadu Government banning the slaughter of cows and heifers across all slaughter houses in the State, holding that since executive power is co-terminus with legislative power, the Order carries the force of law and is binding upon all authorities.

Supreme Court Precedents and Prior Directions

The judgment draws upon a well-settled line of Supreme Court authority. In *Mohammed Hanif Quareshi v. State of Bihar* (AIR 1958 SC 731), the Supreme Court held that the sacrifice of a cow on Bakrid is not an obligatory religious act for a Muslim, and therefore does not attract the protection afforded to essential religious practices under the fundamental rights. This position was reinforced in *State of West Bengal v. Ashutosh Lahiri* ((1995) 1 SCC 189), wherein the Court held that bovine slaughter is neither essential, nor necessarily required as part of the Bakrid ceremony.

The constitutional validity of a complete ban on the slaughter of the progeny of cows was upheld by the Supreme Court in *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat* ((2005) 8 SCC 534), a decision the Madras High Court relied upon to underscore the State's plenary power to impose such restrictions. The Court also drew upon its own Division Bench's earlier directions in *M/s. Madurai North Indian Welfare Association v. Chief Secretary, Government of Tamil Nadu* (W.P. No. 10043 of 2020), which had unequivocally held that no slaughtering of animals shall be permitted in public places, and that compliance with slaughter house regulations is mandatory even on religious occasions such as Bakrid.

The Location Requirement: Designated Slaughter Houses Are Non-Negotiable

Beyond the substantive prohibition on cow slaughter, the Court addressed the separate but equally significant question of whether an animal sacrifice may lawfully take place at any location of the sacrificer's choosing. Rule 298 of the Tamil Nadu Urban Local Bodies Rules, 2023, is unequivocal: no person shall slaughter any animal except in a municipally-provided slaughter house or a duly licensed private slaughter house. The elaborate conditions prescribed for such licensing encompassing structural standards, sanitary requirements, mandatory inspections, and CCTV installation illustrate the legislative intent to ensure that slaughter, where permitted, is conducted in a controlled and regulated environment.

The Court categorically rejected the respondent's implicit suggestion that the erection of a temporary shed in a non-public area could constitute compliance with these requirements. A structure that lacks regulatory recognition, official inspection, and statutory licensing cannot, by any legal fiction, be treated as equivalent to a designated slaughter house.

The Court's Final Directions

The Division Bench allowed the writ petition and issued a sweeping directive: the State of Tamil Nadu is obligated to ensure that no cow or calf is slaughtered on the eve of Bakrid or on any other day. The Chief Secretary to the Government and the Additional Director General of Police (Law and Order) were specifically directed to issue instructions to all concerned officials to ensure compliance. Compliance was called for reporting on 29 May 2026, reflecting the urgency accorded by the Court to the matter.

Significance for Practitioners and Stakeholders

This judgment carries important implications across multiple domains of law. From a constitutional law standpoint, it reinforces the justiciability and enforceability of Directive Principles under Article 48, particularly when read alongside supportive statutory frameworks. The Court's treatment of the Government Order as law underscores the binding character of executive action taken in exercise of powers co-extensive with legislative competence. Most significantly, the judgment makes pellucid that no religious occasion howsoever culturally significant can override a clear statutory prohibition. The rule of law admits no festive exceptions.

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