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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 6622/2012

SH. RAJIV BOOLCHAND JAIN Petitioner

Through: Mr Pawan Kumar Ray, Adv.

versus

UNION OF INDIA AND ORS Respondents

Through: Mr. Sachin Datta, Adv. for UOI
Mr. Arjun Pant, Adv. for R2&3
Mr. Mukesh Gupta, Adv. for R4&5
Mr. Ajay Arora, Adv. for MCD

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **17.10.2012**

1. This petition filed in public interest seeks a direction "for proper planning and executing the process of sterilization to the stray dogs, which are present in various colonies of Delhi and India". It is the case of the petitioner that stray dogs have become ^athe big nuisance in all colonies of Delhi including the petitioner's residential area of Jangpura; however the killing of stray dogs has been barred as per the orders and directions of the Supreme Court of India as cruelty to the animals; thus the petitioner seeks alternative remedy for periodic sterilization of stray dogs to check their growing number. It is further pleaded that such stray dogs generally bite children, ladies, beggars, pedestrians and bikers. Though the petitioner

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admits existence of a programme for sterilization but contends that the success thereof hinges on the sterilization of at least 70% of stray dogs in a given area within six months, before the next ^{or -} productive cycle begins and which task is not being accomplished.

2. Though the petitioner, as aforesaid, admits existence of a programme for sterilization of stray dogs but has not named the same. We find the Animal Birth Control (Dogs) Rules, 2001 to have been framed in this regard in exercise of powers under Section 38(1)(2) of the Prevention of Cruelty to Animals Act, 1960. The said rules, *inter alia*, provided that capturing of dogs shall be either based on specific complaints or generally on receipt of specific complaints about the nuisance or a dog bite. The petitioner is perhaps not aware thereof.

3. We therefore do not deem it proper to entertain this petition in public interest and dispose of the same with liberty to the petitioner to seek relief, if any, under the Rules aforesaid.

No costs.


CHIEF JUSTICE


RAJIV SAHAI ENDLAW, J

OCTOBER 17, 2012
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