

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.19122 of 2012

S.Poongavanam

.. Petitioner

-vs-

- 1.The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai.
- 2.The Society for the Prevention of Cruelty to Animals,
rep. by its Secretary,
34/67, Veperi High Road,
Chennai-600 007.
- 3.The Director,
Animal Husbandry and Veterinary Service,
DMS Compound,
Teynampet,
Chennai-600 006.
- 4.The Government of Tamil Nadu,
rep. by its Secretary to Government,
Animal Husbandry Dairing and Fishing,
Fort St. George,
Chennai-600 009.
- 5.The Secretary,
Animal Welfare Board of India,
3rd Seaward Road,
Thiruvannamiyur,
Chennai.
- 6.Union of India,
rep. by Ministry of Social Justice and Empowerment,
Sastri Bhavan,
New Delhi-2.
- 7.The Sub - Registrar/Registrar of Societies,
Central - Chennai,
182, Bharathi Salai,
Royapettah,
Chennai-14.

8.E.Dakshinamoorthy,
Executive Secretary,
Society for the Prevention of Cruelty to Animals,
34/67, Veperi High Road,
Chennai-600 007. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents 1 and 4 to take over the administration of the 2nd respondent by reconstituting the committee as per the provision contained in Prevention of Cruelty of Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animal) Rules, 2001 and order an enquiry into the affairs of the 2nd respondent from the year 2004 upto date.

For Petitioner : Mr.V.R.Thangavelu

For Respondent : Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R1toR5& R7
Mr.V.Manohar for R8

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks a writ for taking over the administration of the second respondent by reconstituting the Committee as per the provisions contained in the Prevention of Cruelty of Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animal) Rules, 2001 and to order an enquiry into the affairs of the second respondent.

2. It is the case of the petitioner that the second respondent is a Society within the meaning of Rule 2 (e), which reads as under:-

"(e) "Society" means Society for Prevention of Cruelty to Animals (hereinafter referred to as SPCA) corresponding law applicable in a state and shall include the existing SPCA functioning in any district."

3. The learned counsel for the petitioner has drawn our attention also to Rule 3, which reads as under:-

"3. Society for Prevention of Cruelty to animals in a district -

(1)Every State Government shall by notification

in the Official Gazette, establish, as soon as may be and in any event within six months from the date of commencement of these rules, a society for every district in the State to be the SPCA in that district.

Provided that any society for Prevention of Cruelty to Animals functioning in any district on the date of commencement of these rules shall continue to discharge its functions till establishment of the SPCA in that district under these rules.

(2) The Managing Committee of the Society shall be appointed by the State Government or the local authority of the district consisting of a Chairperson to be appointed by the State Government or the local authority of the District, as the case may be with the concurrence of the Board and shall consist of such number of other members as may be considered necessary by the State Government or the local authority of the district subject to the condition that-

(i) at least two members shall be representatives of the Animal Welfare Organisations which are actively involved in the work of prevention of cruelty to animals and welfare animals preferably from within the district; and

(ii) at least two members shall be the persons elected by the general body of members of the Society.

(3) The duties and powers of the Society shall be to aid the Government, the Board and local authority in enforcing the provisions of the Act and to make such bye-laws and guidelines as it may deem necessary for the efficient discharge of its duties.

(4) The Society, or any person authorised by it in this behalf, if it or he has reasonable grounds for believing that any person has committed an offence under the Act, it or such authorised person may require such person to produce forthwith any animal in his possession, control, custody or ownership, or any license, permit or any other document granted to such person or required to be kept by him under the provisions of the Act and may stop any vehicle or enter into any premises in order to conduct a search or inquiry and may seize an animal in respect of which it or such authorised person

has reason to believe that an offence under the Act is being committed, and deal with it in accordance with law.

(5) In addition to the powers conferred by these rules, the State Government may, in consultation with the Board, confer such other powers upon any society for exercising the powers and discharging the functions assigned to it under these rules."

4. The learned Government Pleader points out to us that a notification was issued on 14.11.2012 itself in respect of the reconstitution of Chennai Society for the Prevention of Cruelty of Animals where members have been appointed. There is a second notification also issued on 31.05.2016. Thus, the Committees have been appointed for the district in question and thus, to our mind, the grievance of the petitioner in respect of the first aspect stands redressed.

5. As far as the working of the second respondent Society is concerned, the affairs would have to be gone into, and the matter would vest with the Registrar of Societies/respondent No.7. Respondent No.7, would thus look into those complaints regarding working of the Society within a maximum period of three months from the date of receipt of the copy of this order in accordance with law after hearing all concerned.

6. The writ petition, accordingly, stands closed. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Chennai District, Singaravelar Maligai, Chennai.

2.The Secretary,
Society for the Prevention of Cruelty to Animals,
34/67, Veperi High Road, Chennai-600 007.

3.The Director,
Animal Husbandry and Veterinary Service,
DMS Compound, Teynampet, Chennai-600 006.

4.The Secretary to Government,
Animal Husbandry Dairing and Fishing,
Fort St. George, Chennai-600 009.

5.The Secretary,
Animal Welfare Board of India,
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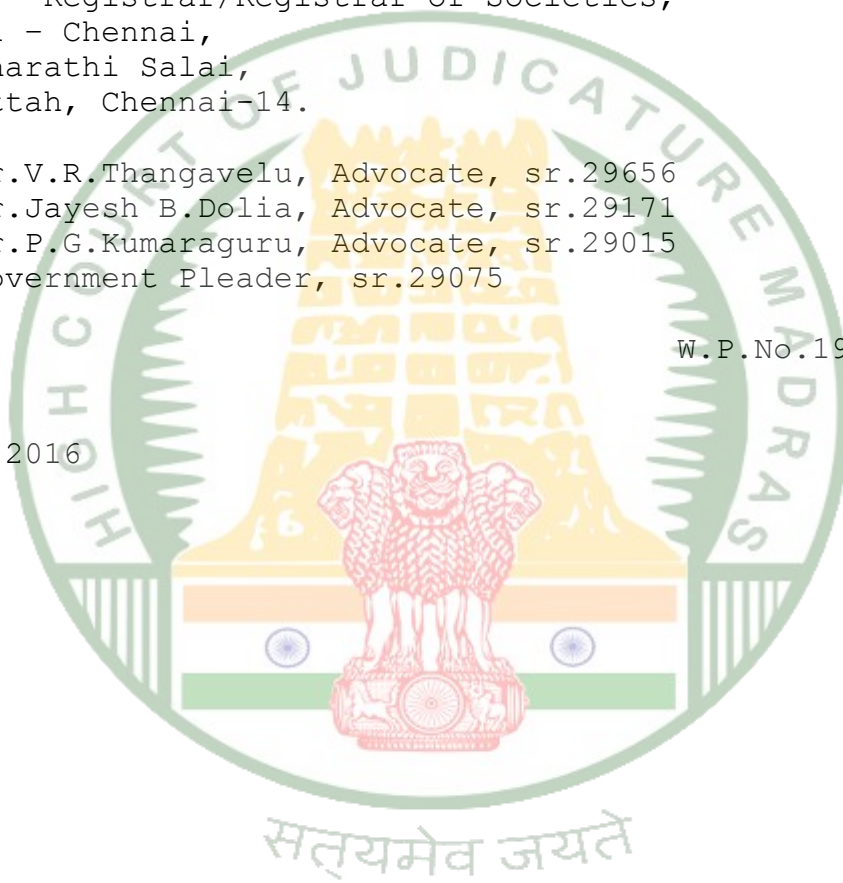
6.Ministry of Social Justice and Empowerment,
Sastri Bhavan, New Delhi-2.

7.The Sub - Registrar/Registrar of Societies,
Central - Chennai,
182, Bharathi Salai,
Royapettah, Chennai-14.

1 cc to Mr.V.R.Thangavelu, Advocate, sr.29656
1 cc to Mr.Jayesh B.Dolia, Advocate, sr.29171
1 cc to Mr.P.G.Kumaraguru, Advocate, sr.29015
1 cc to Government Pleader, sr.29075

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