

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.33464 of 2016
and
W.M.P.Nos.28886 & 28887 of 2016

Surendran

.. Petitioner

- Vs -

The Animal Welfare Board of India,
Rep by its Secretary,
No.13/1, Third Seaward Road,
Valmiki Nagar, Thiruvannamiyur,
Chennai - 600 041.

.. Respondent

Prayer:- Writ petition filed under Section 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the respondent in Ref.No.8-3/455/2007-HE, dated 14.10.2015 and quash the same.

For Petitioner : Mr.C.Rajan
For Respondent : Mr.Jayesh B.Dolia

O R D E R

The writ petition has been filed seeking to quash the order passed by the respondent in Ref.No.8-3/455/2007-HE, dated 14.10.2015.

2. After all the only ground which has been raised by the petitioner is before passing the order of suspension no sufficient opportunity was given to him. In fact, he would fairly submit that earlier notice was issued to him and he also appeared for the enquiry, but sought further time for submission of records and documents. But without giving further time, summarily the present order has been passed behind his back. At that point of time, he has also made a representation claiming that he is sick and sought time to produce the documents. He would contend that had he been given an opportunity, he would have satisfied the authorities concerned. Even according to him, the main animals like lion, tiger have already been seized and only dogs, camels and horses which are all regular domestic performing animals were with him and he would give an undertaking that he will appear before the authorities and

produce all the documents and in the meanwhile, the impugned order has to go for the time being.

3. The learned counsel for the respondent would submit that already in the year 2007, itself the petitioner was given notice and thereafter, he could not maintain the animals and therefore, it was seized and even for the domestic performing animals he has to necessarily adhere to the relevant Rules under the Prevention of Cruelty to Animals Act, 1960 specifically Section 22 of the Act. The fact that he appeared before the authority would go to prove that he was put on notice the learned counsel for the respondent contended.

4. Heard both parties.

5. At the outset it has to be stated that the petitioner has appeared before the authority and he sought for adjournment to produce the documents. According to him, even though the adjournment was given, as he fell ill and he could not submit the representation, his Advocate sent a representation. He would contend that if given an opportunity he will satisfy the authority and seeks one more opportunity.

6. Taking into consideration the claim made by the learned counsel for the petitioner, the writ petition is allowed and the impugned order dated 14.10.2015 is set aside and the matter is remanded back to the authority concerned and the authority will give one more opportunity to the petitioner and the petitioner will produce all the relevant documents and thereafter the authority will pass orders in accordance with law especially taking into consideration Section 22 of the Prevention of Cruelty to Animals Act, 1960. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar

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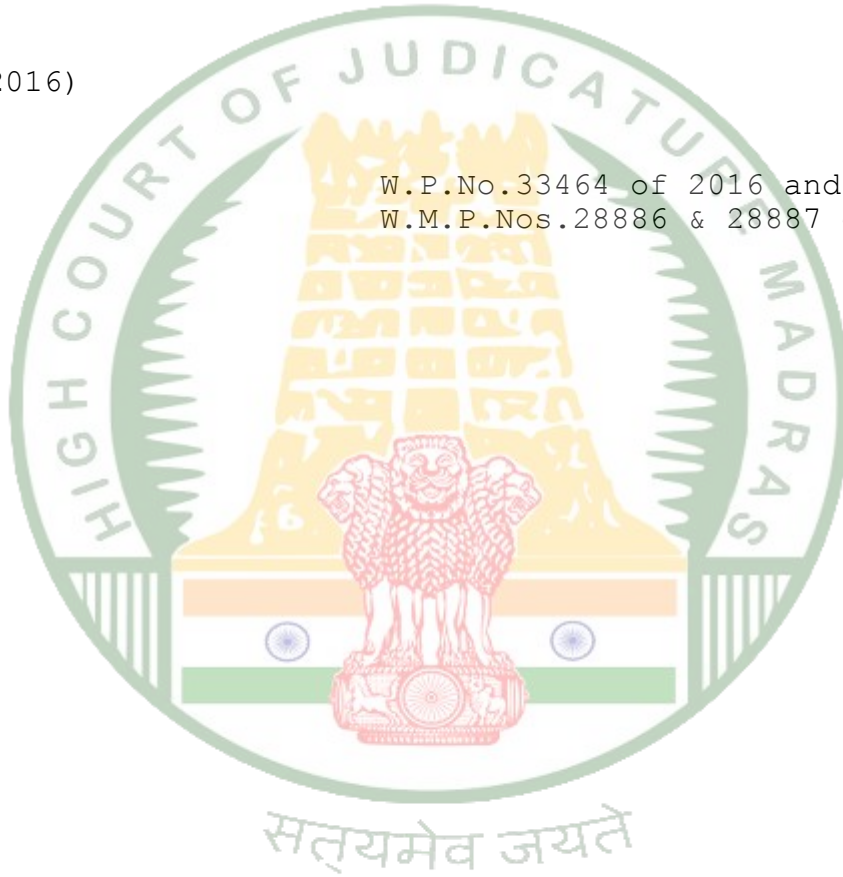
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Sub Assistant Registrar

To

The Secretary,
Animal Welfare Board of India,
No.13/1, Third Seaward Road,
Valmiki Nagar, Thiruvannamiyur,
Chennai - 600 041.

+lcc to Mr.Aiyar & Dolia, Advocate, S.R.No.71425
+lcc to Mr.C. Rajan, Advocate, S.R.No.71330

(CO)
md(28/12/2016)



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