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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.19952 of 2016

M.Balaguru

... Petitioner

-vs-

1. The Government of Tamil Nadu,
rep.by its Principal Secretary,
Department of Animal Husbandry,
Fort St.George,
Secretariat,
Chennai - 600 009.
2. Animal Welfare Board of India,
rep.by its Chairman
No.13/1, Third Seaward Road,
Valmiki Nagar,Thiruvannamiyur,
Chennai - 600 041.
3. The Joint Director,
Animal Husbandry Department,
Madurai.
4. Society for Prevention of
Cruelty to Animals (SPCA)
rep.by its Chairman/District Collector,
Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 19.08.2016 seeking to permit him to work as Inspector / Sub-Inspector in Madurai District under the Prevention of cruelty to Animals Act 1960 by giving drill training and obtaining necessary recognition within the time frame fixed by this Court.

For Petitioner

: Mr.R.Subramanian

For Respondents

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

**O R D E R**

This Writ Petition has been filed, seeking a direction to the respondents to consider the representation of the petitioner dated 19.08.2016, seeking permission to work as Inspector/Sub-Inspector in Madurai District under the Prevention of cruelty to Animals Act 1960.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The case of the petitioner is that the petitioner has been authorised as Inspector/Sub Inspector to enforce the provisions of SPCA Act as per Rule 3 of Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001. It is stated that the District Collector is the Chairman of the Society. The Superintendent of Police is the Vice Chairman of the society. The appointment made by the District SPCA will be approved by the Chief Judicial Magistrate and thereafter, the appointees are permitted to function as Inspectors/Sub Inspectors respectively. In this regard, the petitioner has sent a representation to the fourth respondent on 19.08.2016. As there was no response, the petitioner is before this Court.

4. The learned Additional Government Pleader for the respondents submitted that it is agreeable for the fourth respondent to consider the representation and to pass orders within the time limit to be fixed by this Court.

5. Therefore, without going into the merits of the claim made by the petitioner, considering the nature of the prayer made in the writ petition, the fourth respondent is directed to consider the representation of the petitioner dated 19.08.2016 and pass orders on the same, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/
Assistant Registrar(P & A)

/TRUE COPY/



To

1. The Principal Secretary,
Government of Tamil Nadu,
Department of Animal Husbandry,
Fort St. George, Secretariat,
Chennai - 600 009.

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

3. The Joint Director,
Animal Husbandry Department,
Madurai.

4. The Chairman/District Collector,
Society for Prevention of
Cruelty to Animals (SPCA)
Madurai District.

+1cc to M/s.R.Subramanian, Advocate, in SR No.61935.

+1cc to Special Government Pleader in SR.No.61672.

WP (MD) No.19952 of 2016
19.10.2016

mj

msm/sk-skn/sar3/25.11.16/p3/7c