



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.04.2016

CORAM:

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.8672 of 2016

A.Ganesh Babu

... Petitioner

Vs.

1.The Government of Tamilnadu,
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,
Virudhunagar.

4.Society for Prevention of Cruelty to Animals(SPCA),
Rep. By its Chairman/District Collector,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner, dated 26.02.2016 seeking to permit the him to work as Inspector in Virudhunagar District under the Prevention of Cruelty to Animals Act, 1960, within the time frame fixed by this Court.

For Petitioner : Mr.R.Subramanian

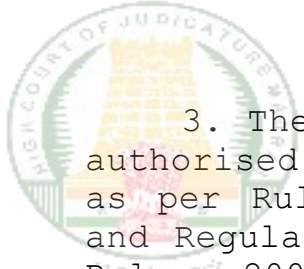
For Respondents : Mr.G.Muthukannan

Government Advocate

ORDER

Mr.G.Muthukannan, learned Government Advocate takes notice for the respondents.

<https://hcservices.courts.gov.in/hcservices>
By in the presence of parties, the main Writ Petition is taken up for final disposal.



3. The case of the petitioner is that the petitioner has been authorised as 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. The petitioner is one among the Sub-Inspectors authorised by the Chief Judicial Magistrate by his proceedings, dated 25.06.2014. According to the petitioner, the appointment of the petitioner as Sub-Inspector has to be sent to the Chief Judicial Magistrate for authorisation and after authorisation by the Chief Judicial Magistrate, the fourth respondent, who is the chairman of the SBICA-cum-District Collector, Virudhunagar District should permit and approve the petitioner to work as Sub-Inspector. The said power is given to the District Collector by proceedings, dated 06.02.2014 by the Director of Animal Husbandry and Medical Works, the first respondent herein. It is further stated that though from the year 2013, the petitioner has been working as Sub-Inspector, which is a voluntary service with little income, the fourth respondent has not permitted the petitioner to work as Sub-Inspector in Virudhunagar District.

4. It is agreed by the learned Government Advocate that the Government has to approve the employment of the petitioner as Inspector, which had been done so in respect of the persons similarly placed like the petitioner in other Districts as well as in Corporation of Chennai.

5. It is also pointed out that this Court in an earlier order, dated 24.07.2015 in W.P(MD)No.12984 of 2015 issued a direction to consider and pass orders in similar kind of representation. In the present case, the petitioner has also made representations on 20.01.2015, 30.01.2015 and 26.02.2016 for which there is no response.

6. Therefore, this Court 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 petitioner's representation, dated 26.02.2016 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 and indicate the decision to the petitioner.



With the above direction, the Writ Petition is disposed of.
No Costs.

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/True Copy/

Sd/-

Assistant Registrar(AE)

Sub-Assistant Registrar

To

1.The Principal Secretary, The Government of Tamilnadu,
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, Thiruvannamiyur,
Chennai - 600 041.

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

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

+One cc to Mr.R.Subramanian, Advocate, SR.No.25059

pm

RL/6C/3P/DP/PM/18/5/2016

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