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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1411/2016

RAM PRAKASH AND ANR

..... Petitioners

Through: Dr. J.C. Vashista, Advocate with

Mr. G.D. Sharma and Ms. Rekha Tiwari,
Advocates.

versus

STATE OF GNCT OF DELHI AND ORS

..... Respondents

Through: Mr. Shadan Farasat, Advocate for
respondents No.1 to 3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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24.02.2016

CM Appl. 6178/2016 (exemption) in W.P.(C) 1411/2016

Allowed, subject to just exceptions.

W.P.(C) 1411/2016 & CM Appl. 6177/2016

Present writ petition has been filed seeking a direction to the respondents to comply with the directions as notified by the Government of India vide Extraordinary Gazette No.439 dated 08th July, 2015 as well as set aside the Challan Nos. 253938 and 253939 both dated 04th February, 2016.

Petitioners further seek a direction to the respondents to release his vehicle along with the birds confiscated by the respondents. Alternatively, petitioners seek compensation of Rs. 2,50,000/- as cost of the birds and financial loss suffered by them. Petitioners also seek Rs.1,00,000/- as

compensation for mental harassment and agony suffered by them.

It has been averred that in terms of Clause 2(2)(v) of the Notification dated 08th July, 2015, the space required for carrying of hens has been specified as 40 sq. cm. and accordingly, the petitioners fabricated 70 cages which were more than sufficient to accommodate, transport and carry 1120 birds.

Learned counsel for petitioners states that petitioner No.1 is having a poultry farm and transports chicken to Mandi at Murga Mandi, Gajipur, Delhi for auction/sale.

Learned counsel for petitioners further states that on 04th February, 2016, respondents stopped the petitioners' vehicle *en route* and seized the loaded vehicle along with the birds at Nangloi, Delhi. He states that due to seizure most of the birds fell sick and eventually died which has resulted in huge loss to the petitioner.

In the petition, it has also been averred that petitioner was produced before the concerned Metropolitan Magistrate whereby he was directed to deposit fine of Rs.44,200/- with regard to each of the challans.

Learned counsel for petitioners states that in similar offences other people have been imposed a penalty of Rs.7,000/- to Rs.15,000/-.

In the opinion of this Court, present writ petition is not maintainable to challenge the Metropolitan Magistrate's order. In fact, the Metropolitan Magistrate's order has not even been annexed with the writ petition.

The contentions of the petitioners that their signatures were obtained on various documents without explaining its contents cannot be accepted at face value as it will require evidence to be lead.

Consequently, present writ petition and application are dismissed with liberty to the petitioners to challenge the Metropolitan Magistrate's order in accordance with law.

MANMOHAN, J

FEBRUARY 24, 2016

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