

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2017

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P. No.21363 of 2017

Yogender Singh Saroha,
Secretary,
Gau Gyan Foundation,
C 31, 9th Floor,
Arcot Terrace Apartments,
Vadapalani,
Chennai.

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Erode District.

2.The Principal Secretary,
Animal Husbandry Department,
Government of Tamil Nadu,
Fort St.George,
Central Office Buildings, Block-II,
Chennai-600 006.

3.The Regional Joint Director,
Animal Husbandry Department,
Erode-633 031.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to regulate the transportation of cattle, horses and other livestock in the Cattle Fair at Anthiyur Gurunathaswamy Temple at Pudupalayam, Anthiyur, Bhavani Taluk, Erode District, which would be conducted from 9th August 2017 to 12th August 2017 in accordance with the Transportation of Animal Rules, 1978 and also to provide proper hygienic drinking water facility, bathroom, restroom (basic amenities) to people who gather at the above said Fair based on the petitioner's representation dated 3.8.2017.

For Petitioner : Mr.K.Thiruvengadam
for Mr.N.Sakthivel

For Respondents: Mr.T.N.Rajagopalan, Spl.G.P.

ORDER

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

This writ petition has been filed by the petitioner in public interest praying for a writ in the nature of mandamus directing the respondents to regulate the transportation of cattle, horses and other livestock for the Cattle Fair at Anthiyur Gurunathaswamy Temple at Puduppalayam, Anthiyur, Bhavani Taluk, Erode District, to be conducted from 9th August 2017 to 12th August 2017 in accordance with the Transportation of Animal Rules, 1978. The petitioner has also sought directions on the respondent authorities to provide proper hygienic drinking water facilities, washroom facilities, rest room facilities, etc. for the people who gather at the fair.

2 From the averments in the writ petition, it is apparent that a festival is held in the month of August every year. A cattle fair is part of the festival. There is also a horse fair. People from all over the Country come to the fair at the temple premises to buy and sell cattle. The fair is observed in the month of Aadi.

3 Averments in the writ petition reveal that the practice of holding the cattle fair / horse fair has been in vogue since the period of Tipu Sultan.

4 It is the case of the petitioner that truck loads of cattle and horses are brought to Puduppalayam, Anthiyur from various parts of the Country. However, they are brought in contravention of the Prevention of Cruelty to Animals Act, 1960, the Transportation of Animal Rules, 1978 and the Tamil Nadu Animal Preservation Act, 1958.

5 In paragraph 12 of the affidavit, it is alleged that a detailed representation was handed over to respondents on 21st July 2017 and thereafter a detailed representation was sent to the respondents under cover of a letter dated 3rd August 2017. The petitioner has not stated as to whom the representation has been handed over, whether to respondent No.1 or respondent No.2 or respondent No.3 or to all of them. It is also not understood

why the written detailed representation was sent as late as on 3rd August 2017 knowing fully well that the Fair would commence on 9th August 2017 and animals would be brought from all over the Country.

6 If the Fair is being held from the 9th to 12th August 2017, the animals must already have arrived. The prayer for regulating the transportation of animals appears to have become infructuous. Necessary arrangements for the Fair have also, in all probability, been completed.

7 The writ petition and / or the affidavit in support thereof does not specify what exactly are the other facilities which are lacking. The averments are vague and devoid of any particulars.

8 Be that as it may, for the ends of justice, we direct the State to ensure that there is no further violation of the Transportation of Animal Rules, 1978 or any other rules in force or the Prevention of Cruelty to Animals Act, 1960. The State is also directed to ensure that hygienic conditions are maintained at the Fair grounds and people who gather are provided with basic amenities, such as drinking water.

9 This writ petition is disposed of with the above directions. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vvk

To

- 1.The District Collector,
District Collectorate,
Erode District.
- 2.The Principal Secretary,
Animal Husbandry Department,
Government of Tamil Nadu,
Fort St.George,
Central Office Buildings, Block-II,
Chennai-600 006.

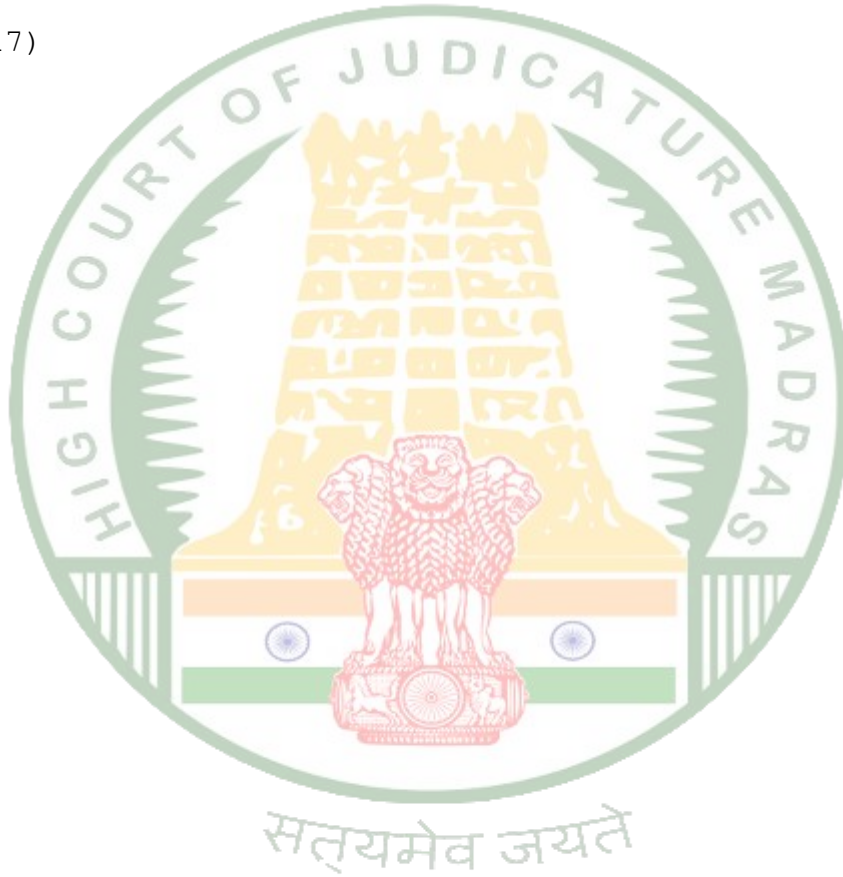
3.The Regional Joint Director,
Animal Husbandry Department,
Erode-633 031.

Copy to:
The Government Pleader, High Court, Madras.

+2cc to Mr.N.Sakthivel, Advocate sr.57593,57748 (11/8/2017)

W.P.No.21363 of 2017

ss (9/8/2017)



WEB COPY