



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) Nos. 2333 and 8026 of 2017

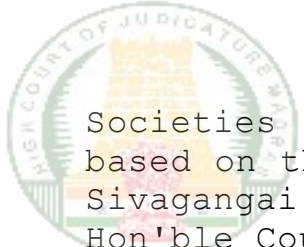
K.R.Nagarajan : Petitioner in W.P.(MD)No.2333/2017
R.Sathiamoorthy : Petitioner in W.P.(MD)No.8026/2017

Vs.

1. The Principal Secretary to Government,
Animal Husbandry, Dairying and Fishery Department,
Secretariat, Chennai-9.
2. The District Collector,
Sivagangai Society for prevention of cruelty to Animals,
Sivagangai District.
3. Animal Welfar Board of India,
3rd Seaward Road Valmiki Nagar,
Thiruvalluvar Nagar,
Thiruvananthapuram,
Chennai. : Respondents in W.P.(MD)
No.2333/2017

1. The District Collector,
Sivagangai District, Sivagangai.
2. Director,
Animal Husbandry and Fisheries Department,
Central Office Building, Chennai.
3. Regional Joint Director,
Animal Husbandry and Fisheries Department,
Collectorate,
Sivagangai. : Respondents in W.P.(MD)No.8026/2017

PRAYER in W.P.(MD) No.2333 of 2017: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to appoint the SPCA Officers (Chief Inspectors, Inspectors, Sub-Inspectors, Care Takers and other office bearers of) in Sivagangai District under the prevention of Cruelty to Animals (Establishment & Regulation of



Societies for prevention of cruelty to animals) Rules 2001 and based on the proceedings of the learned Chief Judicial Magistrate, Sivagangai dated 25.01.2016 within the time stipulated by this Hon'ble Court.

PRAYER in W.P. (MD) No.8026 of 2017: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to take immediate action on the basis of petitioner's representation dated 06.03.2017 within the time stipulated by this Court.

For Petitioner in
W.P.2333/2017 : Mr.R.M. Arun Swaminathan
For Petitioner in
W.P.8026/2017 : Mr.K.P.Ramesh
For Respondents in
both petitions : Mr.M.Govindan
Special Government Pleader

COMMON ORDER

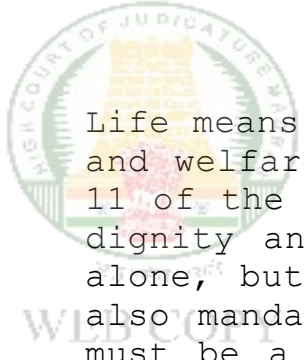
[Order of the Court was made by G.R.SWAMINATHAN, J.]

These writ petitions have been filed in public interest for directing the respondents to appoint SPCA Officers in Sivaganga District.

2.It is pointed out that as many as 35 SPCA Inspectors were selected in June 2015 and proposals were sent for their training. The attention of this Court was drawn to the proceedings dated 25 January 2016 issued by the learned Chief Judicial Magistrate, Sivagangai. There has been exchange of correspondence among the various departments in this regard.

3.Heard the learned Special Government Pleader appearing for the respondents. The learned Special Government Pleaders informed this Court that even though SPCA Inspectors were selected in the year 2016 itself, there is no SPCA in existence in Sivagangai District. He has stated that steps are being taken to enroll members and forming SPCA, Sivagangai District. Applications had been called for in this regard.

4.Enforcing the laws enacted for the welfare of animals and prevention of cruelty to animals is of real importance. The decision of the Hon'ble Supreme Court of India reported in **2014 (7) SCC 547 (Animal Welfare Board of India V. Nagaraja)** deserves to be taken note of at this juncture. The Apex Court has noted the paradigm shift from anthropocentrism to ecocentrism. Animal rights and welfare have now gained recognition internationally. The said judgment points out that every species has a right to life and security. Article 21 of the Constitution of India has been expansively interpreted so as to include even animal life.



Life means something more than mere survival. Animals' well being and welfare have been statutorily recognized under Sections 3 and 11 of the Act and the rights framed under the Act. The right to dignity and fair treatment is confined not only to human beings alone, but, also extended to animals as well. Article 51 (h) also mandates showing compassion to all living creatures. There must be a live and functioning SPCA Unit in every district. Even though SPCA Inspectors have been selected, they could not be appointed because there is no SPCA in Sivagangai District. This contention cannot be accepted. It is a lame excuse.

5. We therefore direct respondent No.1 to expedite the process of constituting SPCA Unit in Sivagangai District, within a period of four months from the date of receipt of a copy of this order. The first respondent shall also take steps to ensure that the said SPCA functions in a full-fledged manner with Inspectors and Sub Inspector of Police and other infrastructural facilities.

6. With this direction, this writ petition is disposed of. NO costs.

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government of Tamil Nadu,
Animal Husbandry, Dairying and Fishery Department,
Secretariat, Chennai-9.
2. The District Collector,
Sivagangai Society for prevention of cruelty to Animals,
Sivagangai District.
3. Animal Welfare Board of India,
3rd Seaward Road Valmiki Nagar,
Thiruvalluvar Nagar,
Thiruvananthapuram, Chennai.
4. Director,
Animal Husbandry and Fisheries Department,
Central Office Building, Chennai.
5. Regional Joint Director,
Animal Husbandry and Fisheries Department,
Collectorate, Sivagangai.

<https://hcservices.ecourts.gov.in/hcservices/>

+ 2 CC TO Mr.K.P.RAMESH, ADVOCATE IN SR No. 65377

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 66126



+ 1 CC TO M/s.CHETTINAD LEGAL SOLUTIONS, IN SR No. 65436

ARUL/SKM

TE/SKN-RSK/SAR-I : 21/07/2017 : 3P/10C

W.P. (MD) Nos. 2333 and 8026 of 2017
13.07.2017

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