

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 22793 of 2015 (O&M)
Date of Decision: 12.11.2018**

Nandini Kakar

..... Petitioner

Versus

Municipal Corporation, Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioner.

Ms. Deepali Puri, Advocate
for respondent No. 1-Municipal Corporation, Chandigarh.

JASWANT SINGH, J.

Petitioner (*Nandini Kakar*) is a co-opted member of the Animal Welfare Board of India (AWBI), who is involved with the welfare of animals.

By filing the present petition, the petitioner, *inter alia*, seeks *Mandamus* directing the respondents to participate as a volunteer in the Animal Birth Control (in short 'ABC') Programme to ensure transparency and adherence to the Standard Operating Procedure (in short 'SOP') **(Annexure P-1)**.

It is averred that respondent No. 1 (Municipal Corporation, Chandigarh) floated tenders for initiating the 'ABC' Programme with a view to curtail the stray dog menace, that was being reported by the residents of the city, as also complained of through the Media as well. Consequently, two bidders applied for the contract and the Society for Prevention to

Cruelty to Animals (in short 'SPCA'), Udgir (respondent No. 2) was

awarded the contract. Thereafter the petitioner vide letter dated 13.04.2015 (**Annexure P-2**) addressed to the Advisor to the Administrator, UT, Chandigarh, appreciated the efforts of respondent No. 1 (Municipal Corporation, Chandigarh) in initiating the ABC Programme in the city. However, certain issues were brought to the notice of the Chandigarh Administration while performing the sterilization procedure on the dogs in accordance with the ABC Programme guidelines. Some suggestions as mentioned in the letter dated 13.04.2015 (**P-2**) were for maintaining an aseptic environment inside the operation theatre; the need for availability of adequate surgical equipments as per the Standard Operating Procedure laid down by the Animal Welfare Board of India; **the involvement of a volunteer in the ABC Programme to maintain transparency;** maintenance of a proper record of the entire programme etc. That the petitioner again vide letter dated 20.04.2015 (**Annexure P-3**) addressed to the Commissioner, Municipal Corporation, Chandigarh, expressed grave laxities and violation to the SOP. The petitioner also vide letter dated 24.04.2015 (**Annexure P-4**) requested to the Director, Animal Husbandry, UT, Chandigarh for immediate intervention in the ABC Programme, as was being carried out by the SPCA, Udgir.

Since the action of the respondents for operating the dogs is not as per the procedure prescribed by the AWBI, hence the present petition.

Upon notice to respondent No. 1 only vide order dated 21.10.2015, written statement dated 20.05.2017 has been filed.

In reply/preliminary objection at para No. 1, it is submitted that due to misconduct, the petitioner was expelled from the membership of the SPCA and it also came to the notice of the Management that the

petitioner was demanding money for releasing the animals from SPCA and various complaints were also made to the Advisor against her. Copy of the letter dated 08.12.2014 terminating her membership is appended as **Annexure R-2**. In para No. 2 of the preliminary objections, it is also stated that the present petition has become infructuous as the tender given to respondent No. 2 (SPCA, Udgir) in the year 2015 has since been expired and a fresh tender has been floated, which has been awarded to another firm, who shall start the process of sterilization. Further, in para No. 3 of the preliminary objections, it is stated that Hon'ble the Supreme Court in *SLP No. 691 of 2009* is already seized of the matter and has directed that no organization shall create any kind of obstacle or impediment in the procedure for sterilization of vaccination.

At the time of hearing, it is noticed that since last four (04) consecutive dates, none has bothered to appear on behalf of the petitioner, however, a written request was circulated on last date of hearing, i.e., 09.07.2018.

In view of above, it appears that the petitioner is not interested to pursue the present petition and the same is liable to be dismissed for non-prosecution.

“Dismissed for non-prosecution”.

November 12, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>