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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 12883/2018**

BAHELIYA SAMAJ SEVA SAMITI Petitioner
Through: Mr. Pawan Shree Agrawal &
Mr.Akarsh Garg, Advs.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mrs. Bharathi Raju, CGSC for R-1

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **10.12.2018**

CM No. 49914/2018 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 12883/2018 & CM. No.49915/2018 (Stay)

1. Challenge in this writ petition under Article 226 of the Constitution has been made to certain provisions of the Prevention of Cruelty to Animals (Pet Shop) Rules, 2018. It is prayed in the writ petition that the rules be declared as ultra vires to the Constitution.
2. Except for the fact that the rules in question have been notified by the Government of India in the Ministry of Environment, Forest and Climate Change on 06.09.2018 at New Delhi in exercise of the powers available to the Government, Union of India under Sub-section (1) of Section 38 of the

Prevention of Cruelty to Animals Act, 1960, nothing has happened within the territorial jurisdiction of this Court. Petitioner claims to be an association of persons belonging to Baheliya community, a community found in the State of Uttar Pradesh having its office and establishment in Meerut, Uttar Pradesh. The enforcing authorities under the statutory provisions are the officers situated in the State of Uttar Pradesh namely in Lucknow and Meerut and the petitioner(s) also carry out their business or professional activities in the State of Uttar Pradesh and it is their grievance that they are adversely affected by enforcement of the rules in question. Once the petitioner(s) are carrying out their activities in the State of Uttar Pradesh, the officers implementing the statutory provisions are situated in the State of Uttar Pradesh merely because the rules were notified in New Delhi.

3. In our considered view, this Court cannot exercise its jurisdiction in the matter and interfere in a petition under Article 226 of the Constitution. The petitioner(s) are carrying out various professional and business activities connected to their traditional tribal conventions in the State of Uttar Pradesh and it is their grievance that the statutory rules in question adversely affect their constitutional and customary rights which they are carrying out in the State of Uttar Pradesh and the authorities implementing the statutory rules are also situated in the State of Uttar Pradesh.

4. Taking note of all the circumstances, we find no reason to invoke our jurisdiction and interfere in the matter when the petitioner can very well agitate the issue before the Allahabad High Court or the Lucknow Bench of the Allahabad High Court where the petitioner(s) are residing and carrying out their professional or business activities. Accordingly, granting liberty to the petitioner to do so, we dispose of the matter.

5. With the aforesaid observations, the writ petition as well as the pending application stand disposed of.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 10, 2018/ns