

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.08.2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.21709 of 2019

M/s.Gau Gyan Foundation,
Represented by its Volunteer,
Mr.Shivram S.,
S/o.Mr.V.Srinivasan,
Residing at, New No.133,
Luz Church Road,
A-1 Shanthi Towers,
Mylapore, Chennai - 600004.

And having its registered office at
M/s.Gau Gyan Foundation,
Jatt House, Village Dhool Siras,
Sector 23, Dwarka,
New Delhi - 110 077.

... Petitioner

Vs.

1.The District Collector,
First Floor
District Collectorate,
Erode District - 638 011.

2.The Director,
Animal Husbandry Department,
Government of Tami Nadu,
Fort St.George,
Central Office Buildings, Block II,
Chennai - 600006.

3.The Regional Joint Director,
Animal Husbandry Department,
Erode - 633031.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to Enforce and implement animal welfare laws and initiate/take strict action against the flouters of the laws; and Immediately regulate the transportation of cattle, horses and other livestock in the Cattle Fair at Anthiyur Gurunathaswamy Temple at Puduppalayam, Anthiyur, Bhavani Taluk, Erode District which would be conducted from 08.08.2019 to 11.08.2019; consequently, take necessary steps to ensure the animals are not harassed and are treated properly; provide proper hygienic drinking water facility, bathroom, restroom (basic amenities) to people who gather at the above said fair.

For Petitioner : Mr.Ramaswamy Meyyappan

For Respondents : Mr.E.Manoharan,
Additional Government Pleader.

ORDER

(Order of the Court was made by S.MANIKUMAR, J)

Instant writ petition has been filed for a Writ of Mandamus, directing the respondents to enforce and implement the Animal Welfare Laws and initiate/take strict action against the flouters of laws and immediately regulate the transportation of cattle, horses and other livestock in the Cattle Fair in Anthiyur Gurunathaswamy Temple at Puduppalayam, Anthiyur, Bhavani Taluk, Erode District, which would be conducted from 08.08.2019 to 11.08.2019 and consequently, to take necessary steps, to ensure the animals are not harassed and treated properly, to provide proper hygienic drinking water facility, bathroom, restroom (basic amenities) to people, who gather at the above said fair.

2. In support of the prayer sought for, petitioner has contended that Anthiyur Gurunathaswamy Temple, is located at Pudupallayam, Anthiyur near Bhavani, Erode District. Said Temple is a place where a famous festival is conducted in the month of August every year, coinciding with the Tamil month of Aadi. A cattle fair is organised during the festival, where large number of people arrive to buy and sell cattle from across the country. The fair witnesses 18000-20000 cattle, several hundred horses and a wide variety of sheep and poultry being brought for trade and for display.

3. Petitioner foundation and its volunteers and the Volunteer representative before this Court, have been observing and keeping track of the Anthiyur Temple festival and the cattle fair, since 2016. The petitioner has witnessed cattle, horses and other animals, being treated in inhumane manner and in violation of the Prevention of Cruelty to Animals Act, 1960, Tamil Nadu Animal Preservation Act, 1958, Transportation of Animals Rules, 1978, Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017, Prevention of Cruelty to Animals (Transportation of Animals) Rules, 2001, Indian Penal Code, 1860, Motor Vehicles Act, 1988 and Articles 21 and 51A(5) of the Constitution of India.

4. Petitioner has given several representations to various state authorities and even approached this Court, vide W.P.No.21363 of 2017 and obtained an order, directing "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."

5. Despite several representations and requests given in the past, and the order of this Court, animal welfare laws continue to be flouted and the animals do not get any protection as envisaged by the various statutes. For the abovesaid reasons, instant writ petition, has been filed for the prayer, stated supra.

6. On 23.07.2019, we passed the following order:-

The petitioner has sought for a Writ of Mandamus, directing the respondents to Enforce and implement animal welfare laws and initiate/take strict action against the flouters of the law, and regulate the transportation of cattle, horses and other livestock in the cattle fair at Anthiyur Gurunathaswamy Temple at Puduppalayam, Anthiyur, Bhavani Taluk, Erode District which would be conducted from 08.08.2019 to 11.08.2019, consequently take necessary steps to ensure the animals are not harassed and are treated properly provide proper hygienic drinking water facility, bathroom, restroom (basic amenities) to people who gather at the above said fair.

2. Photographs depicting alleged cruelty to animals, have been enclosed in the typed set of papers. FIRs registered against those indulging in cruelty have also been enclosed.

3. In W.P.No.21363 of 2017 dated 09.08.2017 a Hon'ble Division Bench of this Court, at paragraph No.8, has directed the State Government to ensure that there shall be no further violation of transportation of Animal Rules, 1978 of any other rules in force or the prevention of cruelty to Animals Act, 1960. The Division Bench has further directed the State Government to ensure that hygienic conditions are maintained, at the fair grounds and people who gather are to be provided with basic amenities, such as drinking water.

4. Mr.Ramaswamy Meyappan, Advocate, vide letter dated 08.08.2018, has sought for certain details from the Animal Husbandry Department. Vide proceedings ROC.No.3019/F/2018 Dt.22.11.2018, the Regional Joint Director, (i/c), Animal Husbandry Department, Erode has sent a reply, to the above said Advocate and that the same is extracted.

"ANIMAL HUSBANDRY DEPARTMENT

From To
Dr.S.Gopalswamy, B.V.Sc, Ramaswamy Meyyappan,
Regional Joint Director, (i/c) "Shreyas"
Animal Husbandry Department, No.26, Dr.K.Salai
Erode. 9th Street,
Mylapore, Chennai - 6.

ROC.No.3019/F/2018, Dt.22.11.2018

Sir,

Sub: Animal Husbandry Department - Anthiyur
Gurunathaswamy Temple - Cattle Fair -
Implementation of the orders of Honourable High Court
of Madras in the matter of W.P.No.21363 of 2017
order dated 09.08.2018 - reg.

Ref: 1.Executive Officer, Hindu Religious
Endowments

Department, Arulmigu Gurunathaswamy Temple,
Pudhupalayam, Anthiyur letter Dt. 23.05.2018.

2. The District Collector, Erode
Instructions, Dt. 04.08.2018.

3. This Office Letter ROC.No.3019/F/2018, Dt. 04.08.2018 & 06.08.2018.

4. Ramaswamy Meyyappan, Advocate AVL Letter dated 08.08.2018.

It is to inform that, in the cattle fair conducted from 08.08.2018 to 11.08.2018 during Anthiyur Gurunathaswamy Temple Car Festival, multi-species of cattle, horses, goats, sheep, dog and poultry were brought forth from other districts and also other states for sales and exhibition purpose.

As per the instruction received vide reference 2 cited, to monitor the cattle fair several teams were formed.

To vigil the feeding and watering of animals, and to monitor the transportation of the animals procured in the cattle fair and to check and give health certificate to the animals transported to check posts were formed one at the Gurunathaswamy Temple and another nearby Gettisarudhram Panchayat Union Office. 16 teams were formed for vigilance of check post round the clock. (Each team consist of 2 officers at the rank of Assistant Director, 2 Veterinary Assistant Surgeons, 1 Livestock Inspector and 2 Animal Husbandry Assistants.)

For giving first aid and treatment to animals and prevent epidemic diseases one temporary veterinary dispensary was formed in the cattle fair ground and round the clock service was provided by 8 teams. (Each team consist of an Officer at the rank of Assistant Director, 2 Veterinary Assistant Surgeons, 1 Livestock Inspector and 2 Animal Husbandry Assistants.)

During the festive time, one stall created with 2 Veterinary Assistant Surgeons, 2 Livestock Inspectors and 1 Animal Husbandry Assistant in rotation basis to enlighten the public regarding Animal Husbandry Department oriented schemes, Animal Husbandry Activities and Fodder Cultivation Techniques.

The Mobile Animal Disease Diagnostic Laboratory

Vehicle of Animal Disease Intelligence Unit, Erode is made available at temporary veterinary dispensary with adequate staff for immediate diagnosis of diseases.

Animal Mobile Medical Ambulance allotted to Veterinary College and Research Institute, Namakkal was also made available at temporary veterinary dispensary to transport animals needed special and emergency care to nearby Veterinary Hospital and to Veterinary College, Namakkal.

The animals procured in the cattle fair were monitored for proper feeding and watering and safety during the transportation by Animal Husbandry Staff and SPCA Volunteers.

14 Internees from various veterinary colleges were engaged in vigilance and treatment.

Proper vigilance was made by Animal Husbandry teams and SPCA members to monitor the transportation of animals according to The Prevention of Cruelty to Animals Act 1960, The Transportation of Animals Rules 1978, The Tamilnadu Animal Preservation Act 1958.

As per the instruction of the District Collector/President of SPCA, Erode, 100 college students were selected and trained as SPCA Volunteers. The pamphlets regarding transportation and SPCA rules were distributed in entire cattle fair area by the volunteers. To prevent cruelty to animals and watering and feeding of animals monitored by Animal Husbandry Staff and SPCA Volunteers.

Water troughs were provided by local body administration for uninterrupted water supply to animals round the clock. The animal owners also participated with sufficient feed and water troughs for their animals.

As per our records 3969 White Cattles, 852 Horses, 60 Black Cattles, 332 Sheep, 232 Dogs, 640 Cock & Hens and 40 Rabbits were brought for the cattle fair.

232 Cattles, 170 Horses, 9 Sheep and 6 Dogs were treated in the temporary veterinary dispensary.

The animals fit for transportation were given health certificate for transportation as per the Transportation of Animals Rules 1960 (59 of 1960) of

Subsection (1) and (2) of Section 38 of the Central Government and Amendment S.D.2465 (E) in the year 2008. The name and address of the animal owners with vehicle numbers and number of animals transported were properly registered.

All the animals transported were provided tarpaulin ceiling to save animal from rain and sunlight.

Banners on awareness of Animals Transportation were put on six places of cattle fairs.

There was no violation of any act or any cruelty to animals during the cattle fair from 08.08.2018 to 11.08.2018."

5. Contending inter alia that better traffic, basic amenities need to be provided by the State and prevention of cruelty to the Animals should be ensured, Mr.R.Sankar Narayanan, learned counsel on behalf of Mr.Ramaswamy Meyappan, learned counsel on record for the Petitioner, has relied on a decision of the Honourable Supreme Court in W.P.No.330 of 2001 [Common Cause, a Registered Society Vs. Union of India] vide order dated 17.02.2017 and also the rectification work, carried on by a Volunteer viz., Mr.Shivaram, to prevent cruelty of animals.

6. Learned Additional Government Pleader takes notice to revert on the pleadings and materials supporting the prayer sought for.

7. Registry is directed to post the writ petition on 30.07.2019 in the motion list."

7. Denying the averments made in the supporting affidavit, District Collector, Erode District, has filed a counter affidavit, dated 31.07.2019, which reads thus:-

"(1) It is submitted that one temporary veterinary dispensary will be formed in the cattle fair ground and round the clock service will be provided by 8 teams (Each team consisting of an Officer at the rank of Assistant Director, 2 Veterinary Assistant Surgeons, 1 Livestock Inspector and 2 Animal Husbandry Assistants.) for giving first aid and treatment to animals and to prevent epidemic diseases.

(2) It is submitted that during the festival in the year 2018, to vigil the feeding and watering of animals and to monitor the transportation of the animals procured in the cattle fair and to check and give health certificate to the animals transported, two check posts were formed one at the Gurunathaswamy Temple and another nearby Gettisamudhram Panchayat Union Office. 16 teams were formed to keep vigil at the check post round the clock. (Each team consists of 2 Officers at the rank of Assistant Director, 2 Veterinary Assistant Surgeons, 1 Livestock Inspector and 2 Animal Husbandry Assistants). During the festival time, one exhibition stall with 2 Veterinary Assistant Surgeons, 2 Livestock Inspectors and 1 Animal Husbandry Assistant in rotation are maintained to enlighten the public regarding Animal Transportation rules. Pamphlets and flex Banners were erected to enlighten the Animal transport rules. The Mobile Animal Disease Diagnostic Laboratory Vehicle of Animal Disease Intelligence Unit, Erode, is made available at temporary veterinary dispensary with adequate staff for immediate diagnosis of diseases.

(3) It is submitted that the petitioner has stated that he has handed over a detailed representation, on 21.07.2017 in person, to the respondents and has also sent by RPAD to the respondents, dated 04.08.2017. To respond on his representations, following activities have been taken by Animal Husbandry Department, during the cattle fair 2017. One team under the guidance of Veterinary Assistant Surgeon registered the name and address of the animal owners who participated in the cattle fair. Animal owners were educated about hygienic method of feeding and watering. Pamphlets and leaflets were issued regarding various diseases affecting cattle, horse and their control measures and also about the rules and regulations of transportation of animals. Propaganda was done with the help of audio-visual aids about transportation of animals and hygienic maintenance of animal premises and utensils. Certificates for transportation of animals were issued at two places, one at temporary veterinary dispensary and another at krishnapuram near panchayat office. Transportation of Animal Rules and Acts were displayed at various places of cattle fair.

(4) It is further submitted that to ensure the orders, issued by this Court is strictly adhered,

following steps had been taken by Animal Husbandry department. To vigil the feeding and watering of animals and to monitor the transportation of the animals procured in the cattle fair and to check and give health certificate to the animals transported, two check posts were formed one at the Gurunathaswamy Temple and another nearby Gettisamudhram Panchayat Union Office. 16 teams were formed for vigilance of check post round the clock. (Each team consist of 2 Officers at the rank of Assistant Director, 2 Veterinary Assistant Surgeons, 1 Livestock Inspector and 2 Animal Husbandry Assistants.) For giving first aid and treatment to animals and prevent epidemic diseases one temporary veterinary dispensary was formed in the cattle fair ground and round the clock service was provided by 8 teams. (Each team consist of an Officer at the rank of Assistant Director, 2 Veterinary Assistant Surgeons, 1 Livestock Inspector and 2 Animal Husbandry Assistants.) The Mobile Animal Disease Diagnostic Laboratory Vehicle of Animal Disease Intelligence Unit, Erode is made available at temporary veterinary dispensary with adequate staff for immediate diagnosis of diseases. Animal Mobile Medical Ambulance allotted to Veterinary College and Research Institute, Namakkal was also made available at temporary veterinary dispensary to transport animals and those animals that needed special and emergency care were sent to nearby Veterinary Hospital and to Veterinary College, Namakkal. The animals procured in the Cattle fair were monitored for proper feeding and watering and safety during the transportation by Animal Husbandry Staff and SPCA Volunteers. 14 Internees from Various Veterinary colleges were engaged in vigilance and treatment.

(5) It is further submitted that Proper Vigilance was made by Animal Husbandry teams and SPCA members to monitor the transportation of animals according to The Prevention of Cruelty to Animals Act 1960, The Transportation of Animals Rules 1978, The Tamilnadu Animal Preservation Act 1958. As per the instruction of the District Collector/President of SPCA, Erode, 100 College Students were selected and trained as SPCA Volunteers. The pamphlets regarding transportation and SPCA rules were distributed in entire cattle fair area by the volunteers. To prevent cruelty to animals and watering and feeding of animals monitored by Animal Husbandly staff and SPCA Volunteers. The cattle sold

in the fair are used for farming and breeding purpose only.

(6) It is further submitted that the Mobile Animal Disease Diagnostic Laboratory Vehicle of Animal Disease Intelligence Unit, Erode is made available at temporary veterinary dispensary with adequate staff for immediate diagnosis of diseases. Animal Mobile Medical Ambulance allotted to Veterinary College and Research Institute, Namakkal was also made available at temporary veterinary dispensary to transport animals needed special and emergency care to nearby Veterinary Hospital and to Veterinary College, Namakkal. Water troughs were provided by Local body administration for uninterrupted water supply to animals round the clock. The animal owners participated in the fair use to come with sufficient feed and water troughs for their animals. The basic facilities for the visitors like drinking water, restrooms/ toilets disposal bins cleaning of cattle fair ground provided by local body administration.

(7) It is further submitted that steps were taken to ensure that the law in force and the guidelines suggested are strictly followed and all steps possible were taken to curb any animal cruelty or abuse in the premise. The following have been taken by the Animal Husbandry Department during this year in Anthiyur fair:

(i) A team of Qualified Veterinarians will be there round the clock entire cattle fair duration.

(ii) Surprise visits / checks will be conducted by a special committee constituted to monitor the fair and to submit a report.

(iii) Necessary steps will be taken to provide ample fodder and drinking water for the animals.

(vi) The Veterinarians in the temporary dispensary at the cattle fair ground will ensure that, no sick or injured Cattle be sold at the Anthiyur Fair.

(v) The Veterinarians in the temporary dispensary at the cattle fair ground and the Veterinarians in two check post and SPCA Volunteers will monitor that there is no cruelty should be shown to the animals.

(vi) The name and address of the animal owners with vehicle Registration Number and number of animals transported will be properly registered.

(vii) Farmers are advised to get a health certificate from a licensed authority or by the Animal Husbandry Department, at the place of Origin.

(viii) All vehicles used for transporting the animals will be monitored for the norms provided under the PCA Act, Transport Rules and the MV Act. All the animals transported will be provided tarpaulin ceiling to save animal from rain and sunlight.

(ix) The cattle sold in the fair are used for farming and breeding purpose only.

(x) The Mobile Animal Disease Diagnostic Laboratory Vehicle of Animal Disease Intelligence Unit, Erode will be made available at temporary veterinary dispensary with adequate staff for immediate diagnosis of diseases. For giving first aid and treatment to animals and prevent epidemic diseases one temporary veterinary dispensary will be formed in the cattle fair ground and round the clock service will be provided. Animal Mobile Medical Ambulance allotted to Veterinary College and Research Institute, Namakkal will also be made available at temporary veterinary dispensary to transport animals needed special and emergency care to nearby Veterinary Hospital and to Veterinary College, Namakkal.

(xi) Proper sheds, yards, platforms, facilities for feeding water and fodder to the animals will be provided by the local body administration.

(xii) To monitor the transportation of the animals procured in the cattle fair and to check and give health certificate to the animals transported two check posts will be formed one at the Gurunathaswamy Temple and another nearby Gettisamudhram Panchayat Union Office. 16 teams will be formed for vigilance of check post round the clock.

(xiii) Proper restroom and drinking water facilities will be provided for the public and the caretakers of the animals by the local body Administration. It is submitted that all necessary steps will be taken to protect the animals from any abuse or cruelty.

8. Heard the learned counsel for the parties and perused the materials available on record.

9. In view of the counter affidavit filed, it could be deduced that effective steps are taken and during the course of hearing of this writ petition, representation was made on behalf

of the respondents, proper steps would be taken to ensure that there is no violation.

10. In view of the above, prayer sought for in the instant writ petition, is answered and there is no need to issue any mandamus. Accordingly, writ petition is dismissed. No Costs.

Sd/-
Asst.Registrar (CJ conf)

/true copy/

Sub Asst. Registrar

dm
To

1.The District Collector,
First Floor
District Collectorate,
Erode District - 638 011.

2.The Director,
Animal Husbandry Department,
Government of Tami Nadu,
Fort St.George,
Central Office Buildings, Block II,
Chennai - 600006.

3.The Regional Joint Director,
Animal Husbandry Department,
Erode - 633031.

+1 cc to Mr.Ramaswamy Meyyappan Advocate sr65830
+1 cc to Government Pleader sr66352

W.P.No.21709 of 2019

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