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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

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THE HON'BLE MR.JUSTICE R. MAHADEVAN

Writ Petition No.18941 of 2015
and M.P.Nos.1 and 2 of 2015

The Chennai Kennel Club
A registered Society
Represented by its Secretary
N.Venkataramanan
No.10, Kondichetty street
Parrys, Chennai-600 001.

...Petitioner

-Vs-

1.The Union of India
Represented by its Secretary
The Government Department of
Environment and Forest
Paryavaran Buildings
C.G.O. Complex
New Delhi.

2.The Animal Welfare Board of India
Represented by its Chairman
No.13/1, III Sea ward road
Valmiki nagar
Thiruvanmiyur, Chennai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to forbear from treating the dogs shown in the dog shows conducted by the petitioner as "Performing Animals" and thereby causing any disturbance, obstruction or disruption to the said shows.

For Petitioner : Mr.T.Magendiran

For R1 : Mr.V.Balasubramanian

For R2 : Mr.Stalin Abimanyu
Government Advocate



O R D E R

The relief sought in this writ petition is to issue a mandamus forbearing the second respondent from treating the dogs shown in the dog shows conducted by the petitioner as performing animals and thereby causing any disturbance, obstruction or disruption to the same.

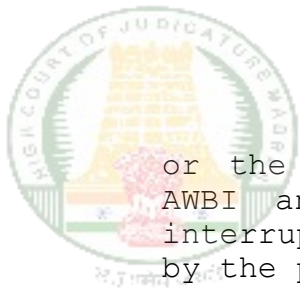
2. According to the petitioner, it is a registered association affiliated to Kennel Club of India (KCI), which is the parent body of all dog clubs in India. The dog shows are conducted by various clubs affiliated to KCI, where dogs of each breed compete separately and the best of each breed is judged based on the particular breed standards and thereafter, the best dogs in the show are judged out of the several specimens belonging to different breeds, on comparative basis, but strictly as per the individual breed standards of each competing dog. These shows are conducted only to spread scientific knowledge regarding various breeds and breed standards of the dogs in the world; and to provide encouragement and education to the public regarding dogs in general and our native dog breeds in particular. The petitioner further stated that the dog show is neither an entertainment like circus etc, nor an event like Jallikattu, Rekhla Race, Horse Race etc. But, it is for educative purpose and for various utilities and it does not involve any stress or cruelty to the dogs. In fact, during the dog shows, the participating dogs are protected and pampered; and that the public are allowed merely to witness it. Thus, the dogs shown in the dog show, are not 'performing animals' coming under the definition of Rule 2(h) of Chapter V of the Prevention of Cruelty to Animals Act, 1960. However, in the recent past, there have been disruption and disturbance of dog shows held in various places by persons calling themselves as activities and staff of the Animal Welfare Board of India (AWBI), who are threatening the organisers to obtain permission from the AWBI for conducting dog shows under the Performing Animals Rules. In this regard, the petitioner made representation to the second respondent, but no reply was received. Therefore, they have come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the issue raised in this writ petition has been answered in favour of the petitioner therein in Amritsar Kennel Club (Registered) and others v. the Union of India and others [Civil Writ Petition No.25558 of 2015 dated 28.01.2016 by the Punjab & Haryana High Court at Chandigarh]. Hence, he prayed for similar order in this writ petition as well.



३.१.२. अनेक प्रकारचे

6. In the light of the aforesaid decision, which is squarely applicable to the facts of the present case, this Court is of the opinion that the petitioner hosting the dog show, is not required under any provisions either of the Act, Rules of 2001



or the Birth Control Rules to get itself registered with the AWBI and hence, the AWBI has no jurisdiction or right to interrupt, disrupt or cause obstacle in the hosting of dog shows by the petitioner association.

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7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VII)

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Sub-Assistant Registrar

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To

1. The Secretary, Union of India
Government Department of
Environment and Forest
Paryavaran Buildings
C.G.O. Complex
New Delhi.

2. The Animal Welfare Board of India
Represented by its Chairman
No.13/1, III Sea ward road
Valmiki nagar, Thiruvanmiyur, Chennai.

+1 CC to Mr.V.Balasubramanian, Advocate sr 28915.

W.P.No.18941 of 2015

SSV(CO)
SP(18/08/2021)