

11.04.2023

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WPA (P) 276 of 2021
Dhyan Foundation, 'Asansol Goshala'.
Vs.
The State of West Bengal & anr.

Ms. Priyanka Sharma for the Petitioner.

Mr. S. N. Mookherjee, Ld. A.G.,
Mr. Tarak Karan ... for the State.

1. This writ petition styled as a public interest litigation seeks for a direction upon the respondent nos.1 and 2 to take action upon the livestock cattle market situated at Birshibpur at Howrah on the allegation that the market has been conducted without following the norms prescribed under the Agricultural Produce Marketing (Regulation) Act, 1972. When the matter was heard by the Court on 13th December, 2022, the status report filed by the learned Advocate General was taken on record from which it was seen that the livestock cattle market was being run by following the procedure under the Agricultural Produce Marketing (Regulation) Act, 1972.

2. The petitioner sought time to file exception and time was extended on two occasions to the file exception. Today, learned Advocate for the petitioner has filed the exception. From the exception, it is seen

that the petitioner seek to point out that there is a specific prohibition under the Act as well as the Prevention of Cruelty to Animals Act, 1960 and Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 and other related statutes is attracted to cancel the licences in case of violation and in cases where illegal cattle market is operated and to rescue and recover the cattle by handing over the custody of the cattle to any one of the organisations prescribed under the Rules. It is further submitted by the petitioner that cattle wealth of the nation is in the interest of justice and animal welfare laws would be become redundant if the relief sought for by the petitioner is not granted.

3. It is further stated in the said exception that livestock cattle market may be registered as per the provision of Agricultural Produce Marketing (Regulation) Act, 1972 as mentioned in the status report but in addition to it, the market needs also to be registered under the provisions of the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017. According to the petitioner, the livestock market at Goruhata Birshibpur are run in complete contravention of the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017. All the vehicles are brought into the market in complete violation of the Motor Vehicles Act, 1988

and Central Motor Vehicles Rules, 1989 and Transport of Animal Rules, 1978. Therefore, it is submitted that if the livestock market is unregistered under the 2017 Rules, the same has to be shut down.

4. The report submitted on behalf of the respondents does not indicate as to whether the livestock markets have been registered under the said Rules, namely, the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017. That apart, the law enforcing authority should also ensure that the transportation of the livestock should be made in accordance with the Transport of Animal Rules, 1978. This Court can take judicial notice of the fact that there has been a large scale allegation of illegal cattle trade outside the State and at times outside the country and prosecutions have also been launched.

5. Thus, the respondents are bound to ensure that the markets are not only run in accordance with the relevant Act and Rules but also to ensure that the cattle are well protected and while being transported, they should adhere to the provisions of the Transport of Animal Rules, 1978.

6. Therefore, we direct the concerned respondent to immediately constitute a team of officers to inspect the livestock cattle markets in question, examine as to whether they have had the

requisite licence under the Act and the various Rules, conduct surprise checks on the vehicles, which are being used for transportation of these cattle and if any violation is found and the market does not possess the requisite licences, the market shall be shut down and not permitted to be operated unless and until the licences are secured. Apart from that if the transportation of the cattle are done in contravention of the Transport of Animal Rules, 1978, the concerned vehicles shall be seized and the owner and the transporter shall be prosecuted in accordance with the provisions of the said Rules and other related statutes.

7. The concerned department shall scrupulously follow the above directions and the State can also extend such measures to other livestock cattle markets in the State.

8. With the above observations, the writ petition stands disposed of.

9. There shall be no order as to costs.

10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)

