

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CWP-15746-2022

Date of decision: 07.12.2023

SUKHJEET KAUR AND OTHERS

.....Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Ranjit Singh Kalra, Advocate with
Ms. Gagandeep Kaur Sekhon and
Mr. Randeep Singh Smagh, Advocate
for the petitioners.

Mr. Navneet Singh, Sr. DAG, Punjab
for respondents No.1 and 2.

Mr. Arun Gosain, Advocate
for respondent No.6-AWBI.

Mr. H.S. Batth, Advocate
for respondents No. 3 to 5, 7 to 10.

VINOD S. BHARDWAJ, J. (Oral)

The main prayer made in the present petition is in relation to identification of the areas for feeding of community animals. The petitioners, who claim to be the animal lovers and members of Animal Welfare Board of India, have approached this Court against the decision taken by the respondent-Punjabi University, Patiala whereby they have imposed penalty on the petitioners for serving food to stray animal in their own houses and have directed that such feeding of stray animal ought to be at the designated places. Counsel for the petitioners contends that the identification of such designated places has not been done in accordance with the statute and that such identification was

required to be done by associating two members of the Animal Welfare Board of India amongst others such members. He further submits that the petitioners despite being members of the Animal Welfare Board, were never associated in the identification of the feeding area done by the officials of the respondent-Punjabi University, therefore, the composition of the Committee for the identification of feeding place was not in accordance with law.

Counsel for respondent No.6- Animal Welfare Board of India refers to provision of Rule 20 of the Animal Birth Control Rules, 2023 notified by the Government of India on 10.03.2013 as per which the responsibility for feeding of community animal is on the Resident Welfare Association or the apartment owners or the local body representative of that area and the designated feed spots are to be mutually agreed upon alongwith the designated feeding time depending upon movement of children, senior citizens etc. Besides, the RWAs are also supposed to ensure that there is no littering at the feeding location and violation of the guidelines framed by the RWA or the Apartment Associations of that area. Designated feeders are also permitted to volunteer for vaccination, catching and release of dogs to assist with the Animal Birth Control Program. A further dispute resolution mechanism has been prescribed under Rule 20 (2).

Counsel for the parties are *ad idem* that let the identification of the feeding area be done by the aforesaid Dispute Resolution Committee.

The present writ petition is accordingly disposed of with the consent of the parties and without commenting on the merits of the

present case with a direction that the parties shall appear before the Committee formed under Rule 20 (2) of the Animal Birth Control Rules, 2023 with respect to the identification of designated feeding area of community animal for settlement of the dispute inter se amongst the residents as regards the feeding areas and the feeding spots since the spot as identified by the petitioners is not acceptable to the residents of the locality and they have lodged their protest against the same.

In the event of the parties approaching the above said Committee within a period of 04 weeks, it shall take up the matter and shall take a decision in accordance with law. It is further directed as a matter of caution that the petitioners, being members of the Animal Welfare Board of India as well as persons aggrieved would not be associated in their capacity as representatives of the recognized Animal Welfare Organization conducting animal birth control mentioned at Rule 20 (2)(iv). The above said Committee shall thereafter take a decision on the disputes espoused by the petitioner and pass an appropriate order after granting an opportunity of hearing to the respective parties.

The circular as well as the order impunged herein and attached as Annexure P1 and P-2 shall however not be given effect to against the petitioners till adjudication of the said dispute.

The present writ petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 07, 2023

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No