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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-14188-2017

Date of Decision: December 19, 2023

Ram Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.H.C.Arora, Advocate with
Ms.Jasleen Kaur, Advocate
for the petitioner.

Ms.Akshita Chauhan, Deputy Advocate General, Punjab.

Mr.Gaurav Mohunta, Advocate and
Mr.Rishabh Jain, Advocate for
M.C., Chandigarh.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for issuance of directions to the respondents to pay compensation to the petitioner to the tune of Rs.10.00 lakhs due to the untimely death of his son Ankit, due to stray dog bite, inter-alia on the grounds that (i) the respondents-State of Punjab, as well as Municipal Council of Samana were under legal obligation under Section 109 of Punjab Municipal Act, 1911 for disposal of mad and stray dogs and other animals; (ii) the failure of respondent No.3 (Municipal Council, Samana) to discharge the aforesaid obligation, resulted into stray dog bite to Ankit aged 12 years, son of the petitioner, who died due to said stray dog bite on 26.01.2014; and (iii) the respondents are therefore liable to share the burden of compensation of Rs.10.00 lakhs amongst them, since

the respondent/State of Punjab cannot disown its vicarious responsibility due to inaction on the part of the Municipal Council to kill the stray dogs wandering within the Municipal limits of Samana Municipal Committee, due to which the citizens of Samana are falling prey to stray dog bites, which is clear from the death of Ankit son of the petitioner due to stray dog bite, and treatment of four other persons from stray dog bite on a single day (detailed particulars whereof are stated in the body of the instant Civil Writ Petition).

However, learned counsel appearing for MC Chandigarh has placed on record a copy of the judgment passed in CWP-22904-2016 and connected cases on 18.08.2023 wherein a Coordinate Bench of this Court has already decided the issue and directions have already been given to State of Punjab, Haryana and UT Chandigarh to constitute a Committee to determine compensation to be paid on account of a claim made with respect to an accident/incident caused due to stray cattle/animal with such definition would include the animals such as cows, bulls, oxen, donkeys, dogs, nilgai, buffaloes etc. and also include the wild, pet and deserted animals as well and hence the present petition may be disposed of as such in view of the observations made in the above-mentioned petition.

Resultantly, the present petition is disposed of in terms of the judgment passed in CWP-22904-2016 decided on 18.08.2023 with a further direction to the respondents/State to decide the case of the petitioner within three months from the date of receipt of a certified copy of this order by adopting the procedure as specified in CWP-22904-2016 (supra). However, in case any cause of action still survives to the petitioner, he would be at

liberty to pursue his remedy as available to him in accordance with law.

December 19, 2023

(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |