

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12144 of 2021

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The Society for Prevention of Cruelty to Animals (SPCA), Bihar Through Ravindra Narain Singh, Male, aged about 71 years Son of Late Ramkripal Singh, President of the Society for the Prevention of Cruelty to Animals Inspector Association, at Goshala Sadakat Ashram, P.S.- Patlputra, District - Patna. Presently residing at Brahmpura near West of Sanjay Cinema, P.S.- Brahmpura, MIT Muzaffarpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Ministry of Forest and Environment (Animal Welfare Division), Sardar Patel Bhawan, Sansad Marg, New Delhi.
2. The Joint Secretary, Ministry of Forest and Environment (Animal Welfare Division), Sardar Patel Bhawan, Sansad Marg, New Delhi.
3. The Animal Welfare Board of India, through its Secretary (Animal Welfare Division) Government of India, PB 8672, 13/1 3 RD Sea Ward Balmiki Nagar, Thiru Vanmiur, Chennai.
4. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
5. The State of Bihar through the Principal Secretary, Animal and Fisheries Resources Department, Government of Bihar, New Secretariat, Vikash Bhawan, Patna.
6. The Director, Animal Husbandry, Government of Bihar, Patna.
7. The Director General of Police, Bihar, Patna.
8. The Inspector General of Police, DGP Office, Bihar, Patna.
9. The Secretary, Ministry of Fisheries Animal Husbandry and Dairying, Government of India.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhya Kesari Kumar, Sr. Advocate Mr. Neeraj Kumar Alias Sanidh, Advocate Mr. Rajesh Kumar Sharma, Advocate
For the U.O.I.	:	Dr. K.N. Singh, ASG Mr. Brajesh Kumar Pandey, CGC Mr. Devansh Shankar Singh, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13 Mr. Rajat Kumar Tiwary, AC to AAG-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-09-2024



The writ petition is filed by the Society for Prevention to Cruelty to Animals (SPCA) Bihar which is a Registered Society under the Societies Registration Act, 1860, having obtained such registration as early as in the year 1929. The contention raised is against the validity of the Prevention of Cruelty to Animals, (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001; that it has not been placed in both the Houses of Parliament, as per Section 38A of the Prevention of Cruelty to Animals Act, 1960 (for brevity 'the Act of 1960').

2. Admittedly, earlier a writ petition was filed which was dismissed for default. A restoration application was also rejected but however, the petitioner was left with liberty to approach this Court, if the grievance survives. On 16.07.2021, a Division Bench of this Court noticed that the only issue which arises is the compliance of Section 38A and the respondents were directed to file an affidavit clarifying the position within a period of 8 weeks.

3. Though there was no clarity from the various affidavits, till date, as of now, an affidavit has been filed clearly pointing out that the notification was placed in the *Lok Sabha* on 02.12.2002 and the *Rajya Sabha* on 13.12.2002. In such



circumstances, there is compliance of Section 38 of the Act of 1960.

4. We find absolutely no reason to keep the matter pending.

5. We close the writ petition.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	30.09.2024
Transmission Date	N/A

