

16.07.2024
Item No.46
gd/ssd

MAT/1376/2024
SUKANTA MALLICK AND ORS.
VS
UNION OF INDIA AND ANR.
IA NO: CAN/1/2024

Mr. Senthil Kumar,
Mr. Abhinav Rakshit
..for the Appellants.

Mr. Debajyoti Deb,
Mr. Anindya Bhattacharya
..for the Union of India.

1. This intra court appeal by the writ petitioners is against an order dated 04.07.2024 in WPA 16250 of 2024 by which the direction was issued to file affidavits.

2. The appellants appear to be aggrieved as no interim orders were granted to the effect that no coercive action should be taken against the appellants.

3. The writ petition has been filed challenging the vires of the Living Animal Species (Reporting and Registration) Rules, 2024.

4. The settled position of law is that until the statute is struck down, it is presumed to be valid. Furthermore, there was nothing on record before the learned Single Bench as of 4th July, 2024 to apprehending any coercive action against the appellants.

5. In any event, the challenge in the writ petition is to the vires of the statute and that can be decided only after exchange of affidavits.

6. Furthermore, the learned Single Bench has granted liberty to mention after the exchange of affidavits.

7. However, in the interregnum if any coercive action is initiated against the petitioners and any notice or order has been passed, it will be well open to the petitioners either to challenge the same independently or to seek appropriate reliefs in the pending writ petition.

8. With the above observations, the appeal stands disposed of.

9. The affidavit of service filed in court is taken on record.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)