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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.06.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.14610 of 2024
& WMP.Nos.15886 & 15887 of 2024

The Kennel Club of India
Represented by its Secretary Cum Treasurer
C.V.Sudarshan
Registered Office at Old No.89, New No.28,
AA Block First Street,
Anna Nagar,
Chennai - 600040

... Petitioner

Vs

- 1 The Union of India
Represented by its Secretary,
The Government Department of Animal Husbandry & Dairying,
Krishi Bhawan,
New Delhi – 110001.
2. The Joint Secretary,
Government of India,
Ministry of Fisheries, Animal Husbandry & Dairying,
Krishi Bhawan,
New Delhi – 110001.
3. The Under Secretary (Cus-III)
Central Board of Indirect Taxes & Customs
Government of India
Ministry of Finance and Department of Revenue



Room No.229A, North Block,
New Delhi – 110001.

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4. The Joint Commissioner (AH)

Government of India,
Ministry of Fisheries, Animal Husbandry & Dairying,
Department of Animal Husbandry & Dairying,
Chanderlok Building,
Janpath,
New Delhi – 110001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records from the 4th respondent in connection with public notice dt.2.5.2024 with reference V-11/1/2024 Anlm-Dadf and quash the same.

For Petitioner

in W.P.No.14610 of 2024: Mr.R.Srinivas,
Senior Counsel
For Ms.Mythili Srinivas

in WMP.No.17301 of 2024: Mr.P.V.Balasubramanian
Senior Counsel
for Ms.Ashwini Vaidialingam

For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by
Mr.V.Chandrasekaran (R1, R2 & R4)
Senior Panel Counsel
Mr.Krishna Prasad (R3)
for Mr.Rajnish Pathiyil
Senior Panel Counsel



ORDER

Read this order in conjunction with and in continuation of order dated 05.06.2024, reading thus:

Mr.V.Chandrasekaran, learned Senior Panel Counsel accepts notice for R1, R2 and R4 and Mr.Krishna Prasad, learned counsel on behalf of Mr.Rajnish Pathiyil, learned Senior Panel Counsel accepts notice for R3. They are represented by Mr.AR.L.Sundaresan, learned Additional Solicitor General.

2. The genesis of this Writ Petition is a D.O.letter dated 12.03.2024, which is entirely based on a report of a Committee constituted under the Chairmanship of the Commissioner, Animal Husbandry. The Committee had identified 25 number of dog breeds as ferocious and dangerous for human life and had banned their import.

3. The D.O. letter had been the subject matter of challenge before several Courts including this Court in W.P.No.8927 of 2024. That Writ Petition had come up for admission on 28.03.2024 and interim stay had been granted.

4. Thereafter, the Karnataka High Court in W.P.No.8409 of 2024 had quashed the said D.O. Letter. The Karnataka High Court noted fallacies even in the constitution of the Expert Committee pointing out that there had been no expert on dogs in that Committee. Thus to have banned dogs classifying them as ferocious even without the benefit of an expert on the subject, was found to be untenable.

5. The impugned notice calls for objections and comments in regard to D.O. letter dated 12.03.2024. The issuance of the notice itself cannot be faulted as the Karnataka High Court has itself granted leave for the procedure to be re-initiated. That apart, it is necessary for the respondents to arrive at a proper policy to contain the danger caused by ferocious dogs and provide for preventive measures. Thus, such an exercise is required.

6. However, the specific objection raised is that comments and objections have been called for with regard to letter dated 12.03.2024, (based, in turn on the Committee report), which has itself been quashed. To this limited extent, the Court concurs.



7. What ought to have been done is for the process to have been re-commenced afresh without there having been any reference to the D.O. letter/ Committee report. The apprehension that the present proceedings may toe the line of the earlier proceedings is legitimate.

8. It would , in the prima facie view of the Court, suffice if this aspect of the matter is clarified at this stage and the respondents confirm that the process has been comenced with a clean slate to receive suggestions and objections in regard to the proposal to ban the import of ferocious dogs.

9. Mr.Sundaresan seeks some time to obtain instructions. Hence, while the process of collating comments and objections may continue, let no final orders be passed prior to the next date of hearing.

10. List on 14.06.2024 at the end of admission list. Written instructions/counter by then with an advance copy served upon the petitioner.

2. The matter has been referred to the attention of the Joint Commissioner, who has issued the following clarification under e-mail dated 13.06.2024:

“Accordingly, it is clarified that the public notice dated 02.05.2024 is consistent with the observation in the order passed by the High Court of Delhi. The quashed order has been referred to in the present impugned order before the Madras High Court in W.P.No.14610 of 2024. Since the High Courts have already quashed the public notice, there is no question of further deliberation on the same. The DAHD has initiated the exercise afresh for which a large number of comments and observations both in favour and against the ban have been received. The D.O. Letter dated 12.03.2024 has no relevance while considering the subject matter a fresh.

Thus, it is explicitly stated that the quashed circular has lost its effect entirely. Furthermore, it is made clear that all actions will proceed afresh, and strictly implementing the court orders in letter and spirit.”



3. In the view of the Court, and the petitioner would endorse this position, the above clarification would make it more than abundantly clear that the authorities intend to approach the matter afresh.

4. This would, in the opinion of the Court, suffice to alleviate the apprehensions of the petitioners as well as the People for Ethical Treatment of Animals India, that has sought to intervene in the matter.

5. The impleading petition is not ordered as there is no necessity for the same now.

6. The last date for receipt of comments and objections from the public is 30.05.2024. Mr.AR.L.Sundaresan, learned Additional Solicitor General would agree that such period may be extended till 30.06.2024 and this is recorded.

7. Let the process continue in a transparent and open manner to decide the issue of whether at all a ban for the import of ferocious dogs is called for and the breeds that would be classified as 'ferocious'.

8. Needless to say, any Expert Committee constituted would contain sufficient representations of persons who are experts on canines, especially canine behaviour and psychology.



DR.ANITA SUMANTH, J.

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9. With this, this Writ Petition is ordered. No costs. Connected Miscellaneous Petitions are closed.

14.06.2024

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Index : Yes / No

Speaking Order: Yes/No

Neutral Citation: Yes/No

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