



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

CWP-PIL-188-2024 (O&M)

Date of decision: 25.09.2024

Peedus People Welfare Society

....Petitioner

Versus

Commissioner, Municipal Corporation, UT, Chandigarh and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. H.P.S.Bungar, Advocate
Mr. Saurav Bhatia, Advocate
Mr. Kuljinder Singh Biling, Advocate
Mr. Gulnoor Ghuman, Advocate for the petitioner

Mr. Sumeet Jain, Addl. Standing counsel
and Mr. Himanshu Arora, Panel Counsel, UT, Chandigarh

Mr. Shailendra Sharma, Advocate for respondent no.8

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. Present petition is a Public Interest Litigation against the holding of an event named as Sydney Carnival at Manimajra, Chandigarh, by respondent no.8. The petitioner has raised various grounds in support of the aforesaid challenge to the act of respondent no.8 seizing and displaying aquatic creatures in the said carnival is in blatant violation of the mandatory provisions of Air (Prevention and Control of Pollution) Act, 1981, Water (Prevention and Control of Pollution) Act, 1974 and Prevention of Cruelty to Animals Act, 1960.

2. The aforesaid event i.e Sydney Carnival was scheduled to be held from 05.08.2024 to 08.09.2024.

3. The respondents have placed before this Court a notification dated 30.11.2017 informing that the Central Government has withdrawn



the notification GSR 493(E) dated 23.05.2017 by which the rules namely Prevention of Cruelty for Animal (Aquarium & Fish Tank Animals Shop) Rules, 2017 were made effective. It is the contention of the learned counsel for respondents that in view of withdrawal of the aforesaid Rules, the fish in an aquarium does not fall within the definition of performing animals and thus, the question of violation of any law does not arise.

4. After having gone through the record and having heard learned counsel for the rival parties, this Court is of the considered view that since the event is over, the petition is only academic and therefore, this Court, while declining interference, relegates the petitioner to the competent authority i.e respondent no.3

5. Accordingly, this petition stands disposed of with direction to respondent no.2 and 3 to consider and decide the legal notice (Annexure P-5) submitted by the petitioner by passing a speaking order and in case the respondents find that any cognizable offence has been committed under any penal law, then appropriate action be taken of lodging an FIR, failing which the petitioner shall be free to avail alternative remedy under Section 156(3) (Sec.175 BNSS 2023) and 200 Cr.P.C (Sec 223 of BNSS 2023).

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

25.09.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No