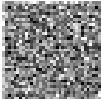


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

2024.PHHC:158981-DB



CWP-PIL-100-2023(O&M)
Date of decision: 29.11.2024

ARUSHI LAMBA

..Petitioner

Versus

MUNICIPAL CORPORATION U.T. CHANDIGARH AND ANR

..Respondents

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

Present: Mr. Vikram Singh Brar, Advocate for the petitioner.

Mr. Rohit Kaushik, Advocate
for respondent No.1-M.C., Chandigarh.

* * * *

SHEEL NAGU, C.J. (Oral)

1. This Public Interest Litigation (PIL) filed by an animal lover, who happens to be a practising advocate and is concerned about the well-being of animals specially dogs prays for the following relief:-

“i. Issue a writ in the nature of Mandamus or any other appropriate Writ praying for a direction for effective and expeditious adoption and implementation of the Animal Birth Control Rules 2023 (Annexure P-1) in U.T. Chandigarh by the Local Authority/Municipal Corporation, U.T., Chandigarh for betterment and well-being of the animal and society as a whole, in the interest of justice and good conscience.”

2. During the course of arguments, it came to the light that though the petitioner is satisfied with the contents of Central Rule named as Animal Birth Control Rules, 2023 (in short ‘2023 Rules’) (Annexure P-1) but contends that the draft rules being framed by Municipal Corporation, Chandigarh, namely Municipal Corporation Chandigarh Pet and Community Dogs by-laws, desperately fall short of the minimum standard to ensure well-being of animals.

3. Learned counsel for Municipal Corporation, Chandigarh, contends that the said by-laws are presently in draft state and shall be notified soon and the counsel is ready and willing to consider all the contentions of learned counsel for petitioner before finalization of the said by-laws.

4. More so, a bare perusal of Rule 22 of 2023 Rules makes it clear that to the extent if the local Rules, by-laws or Acts fall short of the standards prescribed under Central Rule, then the provisions of the said Central Rules shall prevail. Rule 22 of 2023 Rules to a considerable extent satisfies the grievance of the petitioner.

5. However, since, the draft Rules are yet to be finalized and notified, this Court deems it appropriate to dispose of the petition with the following direction:-

i) That if the petitioner prefers representation within a period of three weeks, from today for suggesting improvements in the draft by-laws, then the same shall be considered by Municipal Corporation, Chandigarh before finalizing and notifying the by-laws.

6. With the aforesaid direction, the present petition stands disposed of.

7. All the pending miscellaneous applications, if any, are also disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

November 29th, 2024

Ayub

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No