



WP(MD). No.27093 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

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Sivaranjani

... Petitioner

Vs

1. The District Collector,
Theni District
Theni.
2. The Zonal Deputy Director,
Animal Welfare Board,
Theni District,
Theni.
3. The Assistant Director,
Animal Welfare Board,
Uthamapalayam @
Chinnamanur,
Theni District, Theni.
4. The Block Development Officer,
Block Development Office,
Chinnamanur,
Theni District.



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5. The President,
Panchayat Union,
Muthulapuram Village Panchayat,
Theni District, Theni.

6. The Director of Animal Husbandry,,
Veterinary Hospital Campus,
Theni Allinagaram.

... Respondents

(R6 is Suo Motu impleaded vide order dated.14.11.2024).

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus directing the 5th respondent for immunization and sterilization of the street dogs as per section 38 of prevention of cruelty of animals act 1960 at Muthulapuram Village, Uthamapalayam Taluk, Theni and dispose of the representation dated 19.09.2024 made by the petitioner within the time limit that may be stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam
For Respondents : Mr.P.Thilak Kumar
Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. The petitioner has filed this writ petition for a mandamus to direct the 5th respondent for immunization and sterilization of the street



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dogs as per Section 38 of Prevention of Cruelty of Animals Act 1960 at Muthulapuram Village, Uthamapalayam Taluk, Theni and dispose of the representation dated 19.09.2024 made by the petitioner within the time limit that may be stipulated by this Court.

3. In order to immunize and sterilize the street dogs, the petitioner has given a representation to the official respondents on 19.09.2024. Since the said representation has not been considered so far, the petitioner is before this Court with this writ petition.

4. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.



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5. In the light of the above observations, there shall be a direction to the 4th respondent to consider the representation of the petitioner on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons, who may be interested in the subject matter, within a period of eight weeks from the date of receipt of a copy of the said representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

[M.S.R.,J]

[A.D.M.C.,J]

21.01.2025

NCC : Yes/No

Index : Yes/No

RR



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