

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3328 of 2023

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Akrity Aishwarya, D/o Chitranjan Prasad, R/o Kautilya Nagar, Near A.G. Colony, P.O. Shastri Nagar, P.S. Shastri Nagar, District-Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Govt. of Bihar Patna.
2. Ministry of Environment, Forest and Climate Change Department, Through its Principle Secretary, Van Vibhag Rd, Nehru Nagar, Patliputra Colony, Patna, Bihar 800013.
3. The District Magistrate, Begusarai, Bihar.
4. The Sub-Divisional Magistrate, Begusarai, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms.Akrity Aishwarya (In Person)
For the Respondent/s : Mr. Sarvesh Kr. Singh, AAG 13

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

8 16-08-2023 The petitioner has filed the above Public Interest Litigation praying for a writ of ‘Mandamus’ or any other appropriate writ to stop the killing of stray dogs by ‘inhuman method of shooting’ with immediate effect and also to direct the respondent authorities to adopt any other alternate methods.

2. The cause of action arose, according to the petitioner, after 24 stray dogs were shot dead in Begusarai allegedly pursuant a Government order.

3. A counter affidavit has been filed by the Sub



Divisional Magistrate, Teghra, Begusarai. The counter affidavit specifically points out the various instances of human animal conflict, especially with respect to stray dogs having attacked and even killed human beings in and around Begusarai. The menace of attacking dogs having increased uncontrollably, the people complained to the District Administration and also to the Human Rights Commission. The stray dogs were targeting women, children and the infirm; easy prey to their attacks. The Human Rights Commission had by Annexure-R3/1 issued directions to the District Administration to take appropriate steps. The dogs were said to be attacking not only the local residents but also fed on carcasses of animals and even human corpses. The District Administration, pursuant to the directions issued by the Human Rights Commission, had set up a special team consisting of officials of the District Administration and the Forest and Environment Department to tackle the problem. However, the frightened citizens in order to save their lives eliminated the ferocious stray dogs by themselves.

4. Human animal conflict is a complex issue which cannot be settled in one stroke. The Public Interest Litigation has been filed only on the basis of the reports in the social media which speaks of a Government order having been issued



to kill the dogs. There is absolutely no solution proffered by the petitioner to stop the menace of the increasing number of stray dogs and even the petitioner, awoke to animal rights only when certain dogs were killed in a district; which stray dogs over the years had been roaming in the streets and also feeding on the waste left in public places by local residents themselves. In fact, even the social media post speaks of the Sub Divisional Magistrate having spoken of the stray dogs having grown, feeding on cattle carcass, which were left by the villagers in the open. The social media post also notices that due awareness is being attempted among the villagers also. As of now, there is no order subsisting which requires intervention at our hands in a petition under Article 226 of the Constitution of India.

5. As for guidelines, there are many, by way of statutes and rules made thereunder, as has been specifically referred to in the counter affidavit. However, we express our displeasure, as to the counter affidavit of the 6th Respondent SDM having quoted a provision of the Prevention of Cruelty to Animals Act, 1960 in 15 pages; almost half of the total number of 32 pages in the counter affidavit. If this is the manner in which the problems in the District are looked at then definitely there could be no solution found. The District Administration



will do well to issue notices to its officers both in the Revenue and Police Department as also those in the Local Administration, to keep a watchful eye on the stray dogs and prevent multiplication and early rehabilitation on spotting of stray dogs and thus attempting to nip the problem at the budding stage.

6. We direct a copy of the order to be issued to the Chief Secretary, the Director General of Police and the Secretary of the Panchayati Raj Department for the purpose of issuing guidelines in the manner.

7. We keep the matter pending only for the purpose of ensuring that due guidelines are issued by the above officials. The Director General of Police and the Secretary, Panchayati Raj Department are impleaded in the writ petition as additional Respondent Nos. 5 and 6 only to facilitate proper filing of the affidavits. Office to make necessary insertion in the cause title of the writ petition.

8. In this context, we cannot but observe that the counter affidavits filed by the State often contains irrelevant matters and repetition of the pleadings in the writ petition. As we noticed above, the present counter affidavit extracts a provision in the statute in 15 pages, out of the total 32 pages of



the counter affidavit. We have also come across counter affidavits where the entire reliefs sought by the petitioners are extracted and the documents produced by the petitioners again produced along with the counter affidavit; which is a useless exercise and this unnecessarily burdens the records of the case.

9. We hope that the Office of the Advocate General would ensure that the counter affidavits are filed precisely to the point, answering the contentions in the writ petition, without unnecessary extraction by way of repetition and production of documents which are already part of the record.

10. We direct a copy of this order to be communicated to the Secretary of the Advocate General's office also.

11. Writ petition shall be posted on 29.11.2023 for the affidavits, as directed herein, to be filed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

P.K.P./-

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