

WWW.LIVELAW.IN

W.P.No.11990 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.11990 of 2021

V.E.Shiva

Founder-Chairman

Mothers of Animals Welfare Trust

No.155/66, Rangarajapuram Main Road

Kodambakkam

Chennai - 600 024.

... Petitioner

1 The Principal Secretary

Animal Husbandry, Dairying and Fisheries Department

Secretariat

Chennai - 600 009.

2 The Director

Directorate of Animal Husbandry and

Veterinary Services

No.571, Anna Salai

Veterinary Hospital Campus

Nandanam, Chennai - 600 035.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to take necessary steps to ensure that the stray animals are provided with food and water in this COVID -19 Pandemic.

For Petitioner : Mr.A.M.Natraj

For Respondents : Mr.R.Shunmugasundaram,
Advocate-General,
assisted by Ms.Shabnam Banu,
Government Advocate

Mr.A.Yogeshwaran,
for Committee constituted
by the Court

ORDER

(Made by the Hon'ble Chief Justice)

The matter appears to have served its purpose.

2. The petitioner, representing an animal welfare trust, had brought the plight of stray and abandoned animals during the lockdown to the notice of this Court.

3. Orders were passed, including for a Committee to be constituted and the State to release funds for the purpose of feeding stray dogs, cats, abandoned horses and other animals and even captive elephants. The Committee has filed its report. The feeding of stray animals has been successfully conducted. Thanks primarily to the generous donation by the Hon'ble Governor and the State thereafter releasing funds in excess of Rs.9 lakh for such purpose at the request of the Court. The restrictions imposed during the complete lockdown that was observed in the State for some time have now been relaxed in most places.

WWW.LIVELAW.IN

4. It may not be necessary any longer to continue with the petition. However, there are certain suggestions that have been given by the Committee established by the order of this Court, which need to be looked into. There is also need for a comprehensive programme to deal with animals in a more humane manner in this State.

5. Before going into the long-term plan, it is necessary to record that there was little information obtained regarding captive elephants, primarily since captive elephants are within some temple precincts or with their individual owners. The Committee appointed by this Court points out that there is a body in the State which is responsible for looking after the well-being of captive elephants.

6. In another petition which is pending before this Court, the State's views have been sought to ensure that elephants are no longer kept in captivity. Such petition is pending and this Court may consider whether in future there should be a complete prohibition on elephants being kept as captive animals for various temple duties or as beasts of burden. However, the appropriate body of the State should immediately look into the well-being of the captive elephants in the State and file a report to the Secretary in the Animal Husbandry Department for appropriate measures to be taken on the basis of the

report.

WWW.LIVELAW.IN

7. It is necessary for the State, through its Animal Husbandry Department or through the department that looks after municipalities and corporations, to chalk out a plan of dealing with stray animals in a humane manner, including of putting down animals which are in distress or vaccinating such animals or even neutering them, if they pose a threat as a result of increase in numbers. However, whatever measures are suggested or adopted, there should be a humane and ethical treatment of animals in this State, including providing for food in the event the pandemic throws up further waves during which lockdowns are declared and animals are left abandoned or without food or the like. Any excess funds or animal feed that may be available should be dealt with exclusively for the purpose of animals in this State and their well-being.

सत्यमेव जयते

8. The role of the Animal Husbandry Department in this case was appropriate and it is hoped that such department will chalk out a plan for any further eventuality of similar kind.

9. W.P.No.11990 of 2021 is disposed of with a word of appreciation for the members of the Committee that had been appointed by this Court. Notwithstanding the petition being disposed

of, it is hoped that animal lovers keep a strict watch on how animals are treated in this State so that an ethical and humane approach can always be maintained. There will be no order as to costs.

(S.B., CJ.)

(S.K.R., J.)

14.06.2021

Index : No

Note to Registry:

A copy of the order should be forwarded to the Committee constituted by this Court.

sasi/bbr

To:

- 1 The Principal Secretary
Animal Husbandry, Dairying and Fisheries Department
Secretariat
Chennai - 600 009.
- 2 The Director
Directorate of Animal Husbandry and
Veterinary Services
No.571, Anna Salai
Veterinary Hospital Campus
Nandanam, Chennai - 600 035.

WEB COPY

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sasi/bbr)



W.P.No.11990 of 2021

WEB COPY

14.06.2021