

Anita Santiago vs Municipal Corporation Of Delhi & Ors on 11 September, 2023

Author: Satish Chandra Sharma

Bench: Chief Justice, Sanjeev Narula

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 11925/2023 and CM APPL. 46663/20

ANITA SANTIAGO

Through:

versus

MUNICIPAL CORPORATION OF DELHI & ORS....

Through: Mr. Simran Jyot Si

respondent No.1/ M

Mr. Santosh Kumar

Standing Counsel w

Panwar, Ms. Prasha

Mr.Kartik Sharma &

Rao, Advocates for

GNCTD.

Mr. Mukul Singh, C

Singh, Advocate fo

AWBI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

% 11.09.2023

1. The present Public Interest Litigation (PIL) has been filed by the Petitioner bringing attention to the mechanism adopted by the MCD for the capture and subsequent release of street dogs in Delhi during special events like Independence Day, Republic Day and most recently, the G20 Summit, 2023. The Petitioner prays for the following reliefs:

"i. Allow the present petition and issue a writ of mandamus to respondent no 1 to stop the usage of its machinery for This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 16/09/2023 at 15:14:48 unlawful purposes;

ii. Issue necessary directions to release the captured dogs and ensure their welfare as per ABC rules and Act; iii. Conduct an enquiry in a time bound manner into the alleged violations of existent rules and laws by the respondents; iv. Issue general guidelines to initiate affirmative measures for compliance of Prevention of Cruelty to Animals Act and ABC rules by the concerned officials;

v. Pass any other order this Hon'ble Court may deem fit and necessary, in the interest of justice and in facts and circumstances of this case."

2. Learned Counsel for the Petitioner states that the detailed mechanism for the capture and release of dogs has been prescribed under the Animal Birth Control Rules, 2023 (the "ABC Rules") and should be followed diligently by the MCD. It is highlighted that the ABC Rules mandate that the dogs should be identified with numbered collars immediately upon capture so that proper records can be maintained which would subsequently facilitate their release in the same locality from where they were captured. He further argues that the assistance of the Animal Welfare Board of India (the "AWBI") should be sought by the MCD.

3. Learned Counsel for the MCD has stated before this court that the process of releasing the dogs that were captured in preparation for the G20 Summit has already been initiated in strict adherence to the ABC Rules and with the assistance of the AWBI. These submissions are affirmed by the Learned Counsel for the AWBI.

4. In light of the aforementioned submissions, the Respondent authorities are directed to ensure strict compliance with all the provisions prescribed under the ABC Rules relating to the capture and release of street dogs.

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5. As no further orders are required to be passed in the present PIL, the same stands disposed of.

SATISH CHANDRA SHARMA, CJ SANJEEV NARULA, J SEPTEMBER 11, 2023 B.S. Rohella This is a digitally signed order.

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