

Federation Of Animal Protection ... vs Ministry Of Fisheries, Animal ... on 20 August, 2020

Author: Vipin Sanghi

Bench: Vipin Sanghi, Rajnish Bhatnagar

\$~7 & 8.

* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 4391/2020 and C.M. No. 15802/2020

FEDERATION OF ANIMAL PROTECTION
ORGANIZATION

..... Petiti

Through: Mr. Dayan Krishnan, Sr.Advoca
with Mr. Ambuj Agrawal, Ms.As
Singh, Ms. Aakash Lodha and
Ms.Sanjeevi Seshadri, Advocat

versus

MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND
DAIRYING & ORS.

..... Res

Through: Mr.Rajesh Gogna, CGSC and
Mr.Akshya, Mr.Amit Gupta, M
Prabhat, Mr. Sahaj Garg & M
Roy, Advocates for the resp

+ W.P.(C) 4379/2020 and C.M. No. 15762/2020

PEOPLE FOR THE ETHICAL TREATMENT OF
ANIMALS, (PETA) INDIA, REPRESENTED BY ITS
AUTHORISED REPRESENTATIVE, DR. MANILAL
VALLIYATE CHIEF EXECUTIVE OFFICER

..... Petiti

Through: Dr. Aman Hingorani
Himanshu Yadav, Adv

versus

UNION OF INDIA, THROUGH ITS SECRETARY,
MINISTRY OF ENVIRONMENT, FORESTS AND
CLIMATE CHANGE, GOVERNMENT OF INDIA
& ORS.

..... Responde

Through: Mr. Anurag Ahluwalia
UOI.
Mr. Karthik Jayashan
for respondent Nos.

Signature Not Verified

Digitally Signed

By: BHUPINDER SINGH

ROHELLA

Signing Date: 21.08.2020 10:20

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% 20.08.2020

1. W.P.(C) 4391/2020 was directed to be listed on 29.09.2020 with certain directions to the respondents to conduct a survey.
2. W.P.(C) 4379/2020 has been filed by People For The Ethical Treatment Of Animals, (PETA), India seeking reliefs which are, to some extent, overlapping with the reliefs sought in W.P.(C) 4391/2020. Consequently, the Bench of Hon'ble the Chief Justice directed listing of W.P.(C) 4379/2020 before this Court today.
3. The submission of Dr. Hingorani - learned counsel for the petitioner in W.P.(C) 4379/2020, is that the writ petitioner has itself conducted a survey of the registered circuses and has found the condition of some of the animals to be rather precarious. He has placed on record the said survey report along with the photographs to substantiate his submission. He submits that if this Court were to wait for the survey report directed to be conducted in W.P.(C) 4391/2020 by respondent No.4 Board therein, it would be too late and the animals may perish in the meantime. He submits that the petitioner is ready and willing to voluntarily provide all assistance needed to treat the ailing animals with the registered circuses by providing them nourishment, food and medication at the site of the circuses itself.
4. Mr. Karthik Jayashankar, who represents respondent Nos. 9 and 15 in W.P.(C) 4379/2020 submits that the said respondents are taking proper care of their animals. They have a full-fledged team for that purpose, including veterinary doctors, and he emphatically disputes and denies that the animals with these two circuses are not being looked after properly, or not being provided with nourishment, food and medication. He seeks two weeks' time to file a counter affidavit. The served respondents in W.P.(C) 4379/2020 may all file their counter affidavit(s) within two weeks.
5. Dr. Hingorani states that some of the circuses have closed down due to the pandemic and such of the circuses would have to be dropped from the array of respondents. After verifying the position, he may make an appropriate application for that purpose.
6. In the meantime, issue fresh notice to the unserved respondent circuses in W.P.(C) 4379/2020 returnable on 29.09.2020.
7. Mr. Krishnan has submitted that during the conduct of the survey, representatives of both the petitioners in the aforesaid writ petitions may also be allowed to participate along with respondent No. 4 - the Animal Welfare Board of India, as directed in W.P.(C) 4391/2020. Learned counsel for respondent Nos. 9 and 15 in W.P.(C) 4379/2020 fairly does not oppose this suggestion.

8. Accordingly, we direct that the representatives of the two petitioners aforesaid would be entitled to remain present during the conduct of the survey by the Board. If during the conduct of the survey itself, it is found by the Board that any of the animals with the circuses are ill, or malnourished, it shall be open to both the petitioners and the respondent Board to provide whatever nourishment, treatment or medication as is required to treat the animals at the site of the circus itself. We make it clear that provision of any such assistance for treatment and nourishment of the animals would not create any equity in favour of any party and the management of the concerned circuses shall co-operate in the matter.

9. We direct the respondent authorities in both these matters to positively file their counter affidavits within the next three weeks. Rejoinder, if any, be filed before the next date.

10. List on 29.09.2020.

VIPIN SANGHI, J RAJNISH BHATNAGAR, J AUGUST 20, 2020 N. Khanna