

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 24 OF 2016
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO. 1
(Application for stay/interim directions)

WITH

INTERLOCUTORY APPLICATION NO. 3, 4 & 6
(Application for impleadment)

WITH

INTERLOCUTORY APPLICATION NO. 5
(Application for permission to appear and argue in person)

WITH

INTERLOCUTORY APPLICATION NO. 7
(Application for intervention)

AND

WRIT PETITION (C) NO. 25 OF 2016
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO. 1
(Application for interim relief)

AND

WRIT PETITION (C) NO. 26 OF 2016
(Under Article 32 of the Constitution of India)

WITH

INTERLOCUTORY APPLICATION NO. 1
(Application for directions)

AND

WRIT PETITION (C) NO. 27 OF 2016
(Under Article 32 of the Constitution of India)

AND

WRIT PETITION (C) NO. 88 OF 2016
(Under Article 32 of the Constitution of India)

Compassion Unlimited Plus Action etc

...Petitioner

Versus

Union of India & Ors.

..Respondents

OFFICE REPORT

The Writ Petitions except W.P. (C) 88 of 2016 above-mentioned were listed before the Hon'ble Court on 12.01.2016 and 13.01.2016, when the Hon'ble Court was pleased to inter-alia pass the following Order:-

Order dated 12.01.2016

“In these writ petitions preferred under Article 32 of the Constitution of India, the petitioners, Compassion Unlimited Plus Action, the Animal Welfare Board of India, Gauri Maulekhi, People for Ethical Treatment of Animals India and Federation of Indian Animal Protection Organizations, have prayed for an appropriate writ, order or direction for quashing Notification No.G.S.R.13(E) dated 7th January, 2016, published by the respondent, the Union of India, in The Gazette of India; Extraordinary, and further to command the respondent to ensure compliance with the law laid down in Animal Welfare Board of India vs. A. Nagaraja and Others (2014) 7 SCC 547, and to pass such other order as may be deemed necessary. There is a prayer for stay of the impugned Notification.

We have heard Mr. C.A. Sundaram, Mr. Sidharth Luthra, Mr. K.K. Venugopal, Mr. Anand Grover, Mr. R. Venkataramani, Mr. Dushyant A. Dave, learned senior counsel along with Ms. Anjali Sharma, learned counsel and other learned counsel for the petitioners and Mr. Mukul Rohatgi, learned Attorney General for the Union of India, Mr. L.N. Rao and Mr. Shekhar Naphade, learned senior counsel for the State of Tamil Nadu and Mr. Nishant Ramakantrao Katneshwarkar, learned counsel for the State of Maharashtra.

	xxx	xxx	xxx	xxx	xxx	xxx	xxx
xx	xxx	xxx	xxx	xxx	xxx	xxx	xxx

Having heard learned counsel for the parties, we are inclined to issue notice. The respondents who have entered appearance be served with the copy of the petition within a week hence. Counter affidavit be filed within four weeks therefrom. Rejoinder affidavit, if any, be filed within four weeks from the date of receipt of the counter affidavit. The un-served respondents be served through Dasti.

As an interim measure, we direct that there shall be stay of Notification dated 7th January, 2016, issued by the Ministry of Environment Forest and Climate Change, until further orders.

Let the matter be listed on 15th March, 2016.”

Order dated 13.01.2016

Taken on Board.

The application for intervention stands allowed.

Apart from intervention, in the application there is also a prayer seeking vacation of the order of stay dated 12.01.2016 passed in the writ petition. It is contended in the application that the Jallikattu is not a fight between bulls and humans but a game where the participants are required to embrace the running bulls by hanging on to their hump as long as possible; and they are unarmed. It is also put forth that the bulls are trained not to let the village youth clamber on to their humps and in no case they are led away by the owners afterwards.

It is urged that Jallikattu is a socio-religious festival and not an entertainment and the people at various places in the State of Tamil Nadu have immense faith in the said festival for many a reason. Emphasis is laid on the culture of the State and the belief of the pastoral communities. In essence, it is urged that there is no cruelty meted out to the bulls in such a festival or game.

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Learned counsel for the applicant has drawn our attention to paragraph 91 to show that there was no prohibition or ban but to regulate the game. On the contrary, Mr. Sundaram and Mr. Grover, learned senior counsel, would submit that apposite reading of paragraph 91 does not reflect so. We had noted the said submission yesterday and we will be dealing with the same at the time of final hearing.

Learned counsel for the applicant would submit that certain arrangements have already been made and responsible District Collectors have been appointed to supervise Jallikattu, and therefore, so the order of stay passed by this Court should be vacated. The aforesaid submission leaves us unimpressed, for the simon pure reason, the two-Judge Bench of this Court, as it appears, had discussed many facets with regard to Jallikattu and expressed its opinion. The arrangements made on the basis of the Notification would not warrant alteration of our order and, therefore, we are not inclined to vacate the order of stay.

Let the matter be listed on the date fixed. It is open to the applicant to file the counter affidavit within four weeks from today and assist the Court.”

It is submitted that common show cause notice has been issued to the respondents through Regd. A.D. on 15.01.2016.

It is further submitted that Dasti notice has been given to the counsel for the Petitioners to serve the copy upon the un-served respondents.

W.P. (C) 24 OF 2016

It is submitted that there are 9 respondents in the matter above-mentioned. A.D. Cards duly signed have been received on behalf of Respondent Nos. 8 and 9. Vakalatnama/Appearance on behalf of Respondent Nos. 2, 3, 4 and 6 has been received but neither A.D. Card nor unserved cover containing has been received in respect of Respondent Nos. 1, 5 and 7 so far. Hence service is incomplete upon Respondent Nos. 1, 5 and 7.

It is submitted that Ms. Aparna Bhat, Advocate for the petitioner has not filed proof of dasti service so far.

It is further submitted that Mr. Bijan Ghosh, Advocate has on 19.01.2016 filed an application for impleadment on behalf of Rashtriya Goraksha Sena which has been registered as Interlocutory Application No. 3. The same is placed in a separate volume with the Paper Books.

It is next submitted that Mr. G.S. Mani, Petitioner-in-person has on 19.01.2016 filed applications for impleadment and permission to appear and argue in person which have been registered as Interlocutory Application No. 4 & 5. The same are placed in a separate volume with the Paper Books.

It is submitted that Mr. Anil Kumar Mishra-I, Advocate has on 15.02.2016 filed an application for impleadment on behalf of Tamil Nadu Param Pariya which has been registered as Interlocutory Application No. 6. The same is placed in a separate volume with the Paper Books.

It is further submitted that Mr. Vishnu Sharma, Advocate has on 03.03.2016 filed an application for intervention on behalf of Fight for animals rights which has been registered as Interlocutory Application No. 7. The same is placed in a separate volume with the Paper Books.

It is next submitted that Mr. Yogesh Kanna, Advocate has on 08.03.2016 filed common counter affidavit on behalf of State of Tamil Nadu. The same is being circulated before the Hon'ble Court.

W.P. (C) 25 OF 2016

It is submitted that there are 2 respondents in the matter above-mentioned. Vakalatnama/Appearance on behalf of Respondent No. 2 has been filed but neither A.D. Card nor unserved cover containing notice has been received back in respect of Respondent No.1 so far. Hence service of notice is incomplete upon Respondent No. 1.

It is further submitted that Ms. Supriya Juneja, Advocate for the Petitioner has not filed proof of dasti service so far.

W.P. (C) 26 OF 2016

It is submitted that there are 10 respondents in the matter above-mentioned and Mr. Purushuttam Sharma Tripathi, Advocate for the petitioner has filed proof of dasti for serving the copy upon the respondents along with the a ffdavit. Hence the service of notice is complete upon all the respondents.

W.P. (C) 27 OF 2016

It is submitted that there are 3 respondents in the matter above-mentioned. Vakalatnama/Appearance on behalf of Respondent No. 2 & 3 has been filed but neither A.D. Card nor unserved cover containing notice has been received back in respect of Respondent No.1 so far. Hence service of notice is incomplete upon Respondent No. 1.

It is further submitted that Mr. Ajit Sharma, Advocate for the Petitioner has not filed proof of dasti service so far.

W.P. (C) 88 OF 2016

The Writ Petition above-mentioned was listed before the Hon'ble Court on 29.02.2016, when the Hon'ble Court was pleased to inter-alia pass the following Order:-

“Heard Mr. Colin Gonsalves, learned senior counsel for the petitioner.

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Issue notice.

Dasti, in addition, is permitted.

Tag with Writ Petition (Civil) No. 24 of 2016.

It is submitted that there are 3 respondent in the matter above-mentioned and show cause notice has been issued to the Respondents and also issued to dasti notice to the Counsel for the petitioner for serving the copy upon the respondents.

It is further submitted that Vakalatnama/Appearance on behalf of Respondent No. 3 has been filed but neither A.D. Card nor unserved cover containing notice has been received back in respect of Respondent No. 1 and 2 so far. Hence, service of notice is incomplete upon Respondent No. 1 and 2.

It is next submitted that Mr. Subodh S. Patil, Advocate for the Petitioner has not filed proof of dasti service so far.

The Writ Petitions along with the applications above-mentioned are listed before the Hon'ble Court with this Office Report for Orders.

Dated this the 14th day of March, 2016.

Sd/-

Assistant Registrar

t4/-