

iAWP(C) 24/2016

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ITEM NO.301+302

COURT NO.2

SECTION PIL(W)/X

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A. Nos.16, 17, 18 & 19

In

Writ Petition (Civil) No.24/2016

COMPASSION UNLIMITED PLUS ACTION

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(For directions and amendment of writ petition and office report)

WITH I.A. No.1 in W.P.(C) No. 27/2016

(For directions and office report)

I.A. No.2 in W.P.(C) No.88/2016

(For directions and office report)

I.A. No.4 in W.P.(C) No.23/2016

(With appln.(s) for directions and office report)

Date : 31/01/2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.

Ms. Aparna Bhat, AOR

Mr. Mayank Sapra, Adv.

Ms. Tara Narula, Adv.

WP(C) 27/16 Mr. Anand Grover, Sr. Adv.

Mr. Ajit Sharma, AOR

Ms. Nidhi, 1 Adv.

Ms. Preeti Sinha, Adv.

WP(C) 88/16 Mr. Subodh S. Patil, AOR

WP(C) 23/16 Mr. Krishnan Venugopal, Sr. Adv.

Ms. Anjali Sharma, Adv.

Mr. Balraj Dewan, AOR

Mr. N.G. Jayasimha, Adv.

Ms. Ambika Nijjar, Adv.

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Mr. M.S. Ganesh, Sr. Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.

Mr. P.S. Narasimha, ASG

Mr. Shamik Sanjanwala, Adv.

Mr. K. Parmeshwar, Adv.

Ms. Arunima Dwivedi, Adv.

Mr. Gurmeet Singh Makker, AOR

Ms. Bhumika Aggarwal, Adv.

Mr. K. Parasaran, Sr. Adv.

Mr. Shekhar Naphade, Sr. Adv.

Mr. Rakesh Dwivedi, Sr. Adv.

Mr. Subramonium Prasad, Sr. Adv.

Mr. M. Yogesh Kanna, AOR

Applicant-in-person

Mrs. Geetha Kovilan, AOR

Mr. Yashank Adhyeru, Sr. Adv.

Mr. P. Soma Sundaram, AOR

Mr. K. Mayilsamy, Adv.

Mr. S. Muthukrishnan, Adv.

Mr. Ramsankar, Adv.

Mr. V. Senthil Kumar, Adv.

Mr. C. Paramasivam, Adv.

Mr. Y. Arunagiri, Adv.

Mr. Rakesh K. Sharma, AOR

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. C. K. Sasi, AOR

Mr. Manu Krishnan, Adv.

Mr. Sabarish, Adv.

Mr. Prasuram, Adv.

Mr. Deepak Anand, AOR
Ms. Naresh Bakshi, AOR
Mr. Bijan Kumar Ghosh, AOR
Mr. Ravindra Keshavrao Adsure, AOR

Mr. S. Nithin, Adv.

Mr. D. Kumanan, Adv.

Mr. Anil Kumar Mishra-I, AOR

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Mr. Sriram P., Adv.

Mr. Vishnu Shankar, Adv.

Mr. Vishnu Shankar Jain, Adv.

Ms. Athira G. Nair, Adv.

Mr. Ankur S. Kulkarni, AOR

M/s. Lemax Lawyers & AMP Co.

Ms. Kiran Bhardwaj, AOR

Mr. N. Raja Raman, AOR

Mr. Sateesh Galla, Adv.

Ms. Uma P., Adv.

Mr. Anupam Tripathi, Adv.

Mr. Vishnu Sharma, AOR

Ms. Aakanksha Pandit, Adv.

Mr. Anirudh Sharma, AOR

Mr. Rajeev Dalal, Adv.

Mr. Abhaid Parikh, Adv.

Mr. B. Karunakaran, Adv.

Mr. S. Gowthaman, Adv.

Mr. Amarendra Sharan, Sr. Adv.

Mr. Amit Anand Tiwari, Adv.

Ms. Vagda, Adv.

Mr. Ram Sankar, Adv.

Mr. Vinod Khanna, Adv.

Mr. Ananda Selvam G., Adv.

Mr. Dinesh Kumar, Adv.

Mr. P. Jegan, Adv.

Mr. R.V. Kameshwar, Adv.

Mr. Rajaram Narayanan, Adv.

Mr. S.K. Pabbi, AAG

Ms. Disha Singh, Adv.

Mr. Shivendu Gaur, Adv.

UPON hearing the counsel the Court made the following

O R D E R

I.A. No.16 of 2017 in W.P.(C) No.24 of 2016

This is an application seeking permission for withdrawal of the Notification dated 7 th

January, 2016, issued by the Central Government.

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It is submitted by Mr. Mukul Rohatgi, learned Attorney General for India that he may be permitted to withdraw the Notification. The said prayer was opposed by Mr. M.S. Ganesh, learned senior counsel appearing for the petitioner in Writ Petition (C) No.26 of 2016. Be it noted, the Notification was issued in exercise of power under Section 22 of the Prevention of Cruelty to Animals Act, 1960 (for short, 'the 1960 Act').

As the learned Attorney General prays for withdrawal of the Notification, we do not see any reason not to allow the same. Accordingly, the Notification dated 7 th January,

2016, issued by the Central Government, is permitted to be withdrawn.

The interlocutory application stands allowed accordingly.

I.A. No.18 of 2017 in W.P.(C) No.24 of 2016

This an application for amendment of the writ petition. In the amended writ petition, the prayer is to declare the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017 dated 23 rd January, 2017, as ultra vires the Constitution.

Regard being had to the subsequent events, we permit the petitioner to amend the writ petition. We have been apprised by Mr. Sidharth Luthra, learned senior counsel appearing for the petitioner-applicant that he has already filed the amended writ petition. The Registry is directed to take the same on record.

The petitioner shall file a consolidated writ petition within two weeks hence. Learned counsel for the respondents are granted six weeks' time to file their counter

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affidavit to the same. Needless to say, the respondents are at liberty to raise their objections with regard to maintainability of the challenge in a writ petition preferred under Article 32 of the Constitution of India. The interlocutory application is accordingly allowed.

I.A. No.19 of 2017 in W.P.(C) No.24 of 2016

Mr. G.S. Mani, the applicant appearing in-person seeks leave of this Court to withdraw the interlocutory application. The interlocutory application is dismissed as withdrawn.

I.A. No.1 of 2017 in W.P.(C) No.27 of 2016

This is an application for declaring the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017 dated 23 rd

January, 2017, as ultra vires the Constitution.

It is submitted by Mr. Anand Grover, learned senior counsel appearing for the petitioner-applicant that though he has prayed for a declaration that the impugned amendment passed on 23 rd

January, 2017, is in violation of Article 21 read with Article 51A(g) of the Constitution is invalid, but regard being had to the subsequent events, he may be permitted to amend the writ petition to challenge the constitutional validity of the 2017 Act. He is permitted to do so.

With the aforesaid liberty, the interlocutory application stands disposed of.

I.A. No.4 of 2017 in W.P.(C) No.23/2016

This is an application for declaration of the

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Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017 dated 23 rd

January, 2017, as ultra vires the Constitution.

It is submitted by Mr. Krishnan Venugopal, learned senior counsel appearing for the petitioner-applicant that though he has prayed for stay of the operation of the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017, passed on 23 rd

January, 2017, but regard being had to the subsequent events, he may be permitted to amend the writ petition to challenge the constitutional validity of the 2017 Act. He is permitted to do so.

With the aforesaid liberty, the interlocutory application stands disposed of.

I.A. No.17 of 2017 in W.P.(C) No.24 of 2016

This is an application for stay of the operation of the amendment, namely, the Prevention of Cruelty to Animals

(Tamil Nadu Amendment) Act, 2017 dated 23 rd
January, 2017.

Issue notice.

We have been apprised that some interlocutory applications have been filed for intervention in the present writ petitions. The intervenors shall be heard when we hear the writ petitions on their merits. The intervenors are permitted to file their written notes of submission, if so advised.

(Chetan Kumar)

Court Master (H.S. Parasher)

Court Master