

ITEM NO.13

COURT NO.3

SECTION X

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

Writ Petition(s) (Civil) No(s). 23/2016

THE ANIMAL WELFARE BOARD OF INDIA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

([TO BE TAKEN UP AS FIRST ITEM.]...[ONLY SLP(C) No. 3526-3527/2018, W.P.(C) No. 1059/2017 AND T.C.(C) No. 60/2021 ARE LISTED UNDER THIS ITEM.])

WITH

SLP(C) No. 3526-3527/2018 (IX)
(FOR CLARIFICATION/DIRECTION ON IA 101326/2020
IA No. 101326/2020 - CLARIFICATION/DIRECTION)
W.P.(C) No. 1059/2017 (PIL-W)
(FOR STAY APPLICATION ON IA 112823/2017
IA No. 112823/2017 - STAY APPLICATION)
T.C.(C) No. 60/2021 (XVI-A)

Date : 16-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Parties: Mr. Tushar Mehta, SG
Mr. K.M.Nataraj, ASG
Mr. Gurmeet Singh Makker, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Devashish Bharukha, Adv.
Mr. Shamik Sananwala, Adv.
Mr. Balendu Shekhar, Adv.
Mr. Balaji Srinivasan, Adv.

Mr. Mukul Rohatgi, Sr. Adv
Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.
Ms. Shwetal Shepal, Adv.

Mr. Sidharth Luthra, Sr. Adv.
Ms. Supriya Juneja, AOR
Mr. Aditya Singla, Adv.
Mr. Krishna Datta M., Adv.

Mr. Bharat Monga, Adv.
 Ms. Cheshta Jetly, Adv.
 Mr. Achin Sondhi, Adv.

Mr. A.Sondhi, Adv.
 Ms. A. Sahitya Verma, Adv.

Mr. Anand Grover, Sr. Adv.
 Mr. Azka Sheikh Kalia, Adv.
 Mr. Satyam Thareja, AOR

Mr. Jaideep Gupta, Sr. Adv.
 Mr. D.kumanan, AOR
 Mr. Sheikh Fakhruddin Kalia, Adv.

Mr. Raj Panjwani, Sr Adv
 Ms. Supriya Juneja, AOR
 Ms. Esha Dutta, Adv.
 Ms. Priyanka Bangari, Avd.

Mr. Abhay Anil Anturkar, Adv.
 Mr. Dhruv Tank, Adv.
 Ms. Bhavya Pande, Adv.
 Dr. R. R. Deshpande, AOR

Mr. Raj Panjwani, Sr. Adv.
 Mr. Anjali Sharma Adv
 Ms. Sujeeta Srivastava, AOR

Mr. M. Yogesh Kanna, AOR

Mr. M. Y. Deshmukh, AOR
 Mr. Manjeet Kirpal, Adv.
 Mr. Nandkumar Deshmukh, Adv.

Mr. Ravindra Keshavrao Adsure, AOR
 Mr. Sideswar N. Biradar, Adv.
 Mr. Yash Prashant Sonawane, Adv.
 Ms. Sakshi Ajit Kale, Adv.

Mr. Ankur S. Kulkarni, AOR

Ms. Manisha T. Karia, AOR
 Ms. Sukhda Kalra, Adv.
 Mr. Adarsh Kumar, Adv.
 Ms. Nidhi Nagpal, Adv.

Mr. Saurabh Chaudhary, Adv.
 Ms. Anne Mathew, Adv.

Mr. V.N. Raghupathy, AOR

UPON hearing the counsel the Court made the following
O R D E R

SLP(C) Nos. 3526-3527/2018

These special leave petitions have been filed against the interim order(s) passed by the High Court of Judicature at Bombay in Public Interest Litigation (Stamp) No. 23132 of 2017 dated 16.08.2017 and 11.10.2017. In view of the changed situation, after the writ petition stands withdrawn to this Court, the special leave petitions are being treated as application(s) in the transferred case for modification of the aforementioned order(s).

It is urged before us that in the impugned order, the High Court has essentially followed the dictum of this Court in *Animal Welfare board of India Vs. A. Nagaraja and Ors.* reported in (2014) 7 SCC 547.

However, the subsequent amendments made in the Act and the Rules by the State must govern the field which aspect has not been appreciated by the High Court.

It is not necessary for us to dilate on the correctness of the aforementioned order(s) any further, except to observe that the validity of the provisions of

the State amendments in the Prevention of Cruelty to Animals Act, 1960 and the Rules framed thereunder by the State ought to operate during the pendency of the writ petition.

The entire matter in relation to similar amendments made by the State of Tamil Nadu and State of Karnataka is now referred to the Constitution Bench, including to consider the question whether these amendment Acts (of State of Tamil Nadu) overcome the defects pointed out in the two judgments of this Court. Similar question would arise in these writ petitions and transferred case from Maharashtra concerning the provisions of State of Maharashtra. Hence, these writ petitions be heard along with writ petitions pertaining to the State of Tamil Nadu and State of Karnataka.

It is noticed from the record that no interim relief has been granted in the writ petitions filed before this Court under Article 32 of the Constitution of India challenging the validity of the State amendments of State of Tamil Nadu and State of Karnataka respectively, *albeit* the matter was fully heard and order was reserved before referring it to the Constitution Bench. Therefore, the same dispensation must apply to the amended provisions as

applicable to the State of Maharashtra which are similar to the amendments carried out by other two States.

In other words, prayer for interim relief in all the writ petitions stands answered and need not be renewed before this Court unless there is changed circumstance.

It will be open to the parties to request the Chief Justice of India for listing of the main matters referred to Constitution Bench.

The special leave petitions which have been treated as applications in transferred case stand disposed of in terms of this order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)