

ITEM NO.4

COURT NO.15

SECTION PIL-W

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 SWrit Petition(s)(Civil) No(s). 1386/2021

SHALABH GUPTA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 26-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Mr. Pulkit Agarwal, AOR
Mr. Shalabh Gupta, Adv.
Mr. K.P. Jayaram, Adv.
Mr. Sudhanshu Kaushesh, Adv.
Mr. Palav Agarwal, Adv.
Mr. Ashutosh Kumar, Adv.

For Respondent(s)

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

1. In the instant petition filed under Article 32 of the Constitution of India, the petitioner is seeking issue of Mandamus to the respondents to re-constitute the Animal Welfare Board of India (*'The Board/ Board'* for short) as per Section 5A of the Prevention of Cruelty to Animals Act, 1960 (*'the Act', for short*).

2. To seek such prayer, the petitioner contends that the Board had been constituted in 03rd March, 2017 but the

esrtwhile Chairman resigned on 25th January, 2019. Thereafter, no action has been taken by the competent authority to re-constitute the Board.

3. In a matter of the present nature though, we see that the respondents have not acted in accordance with law, at this stage, we feel that before issuing a Mandamus, an opportunity is required to be granted to the respondents to act in accordance with law.

4. In that view, without expressing any opinion, we grant liberty to the petitioner to make an appropriate representation to the competent authority, who shall take note of the same, including the grounds urged in the instant petition and pass appropriate orders, one way or the other, in accordance with the provisions of the Act and as expeditiously as possible.

5. The petition is accordingly, disposed of.

6. Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)
ASSISTANT REGISTRAR