



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**WEDNESDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WP(PIL) NO: 93 OF 2024

Between:

01. Animal Rescue Organization,
(Regd. No 485 of 2009),
Rep. by its Secretary,
Gopal Rao Surabathula,
S/o Late S.S.R.K. Guruprasad,
Aged about 44 years, R/o 8-19-1-C,
Gandhinagar, Kakinada,
East Godavari District – 533 004.

02. Gopal Rao Surabathula,
S/o Late S.S.R.K. Guruprasad
Aged 44 years, R/o 8-19-1-C,
Gandhinagar, Kakinada,
East Godavari District – 533 004.

.... Petitioners

AND

01. The State of Andhra Pradesh,
Rep. by its Chief Secretary,
Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District.

02. The State of Andhra Pradesh,
Rep. by its Principle Secretary,
Municipal Administration Department,
Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District.

03. The State of Andhra Pradesh,
Rep by its., Principle Secretart,
Panchayat Raj & Rural Development Department,
Secretraiat Buliding, Velugapudi,
Amaravathi, Guntur District.

04. The State of Andhra Pradesh,
Rep. by its Principle Secretary,
Animal Husbandry Department,

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Secretariat Buildings, Velagapudi,
Amaravathi, Guntur District.

05. The Union of India,
Rep. by its Deputy Secretary (Animal Welfare),
Ministry of Environment Forest and Climate Change,
5th Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 110 003.
06. The Animal Welfare Board of India,
Rep. by its Secretary,
National Institute of Animal Welfare Campus,
PO 42, KM Stone, Delhi-Agra Highway (NH-2),
Seekri Village, Ballabhgarh, Faridabad - 121 004.
07. The State Animal Welfare Board-Andhra Pradesh,
Rep by its., The Director & Member Convener,
Animal Husbandry Department, Govt. of A.P.,
Labbipet, Vijayawada.
08. The Joint Director,
Animal Husbandry Department,
Kakinadda District, Kakinada.
09. Gokavaram Gram Panchayat,
Rep. by it., Panchayat Secretary,
East Godavari District.
10. Pithapuram Municipality,
Rep by its., Commissioner,
Pithapuram, Kakinada District.
11. The Gram Panchayat Jagampeta,
Rep by its Secretary,
Jaggampeta Mandal, Kakinada District.
12. The Asst. Executive Engineer,
Irrigation Department,
P.I.P.L.M.C Sub-Division-4,
Jaggampeta Mandal,
Jaggampeta, Kakinada District.
13. The Director General of Police,
AP DGP Head Quarters,
1st Floor, Mangalagiri,

Guntur District, Andhra Pradesh.

14. The Superintendent of Police,
Kakinada, Kakinada District.
15. The Superintendent of Police,
Rajahmundry, East Godavari District.
16. The Commissioner and Director of Agricultural,
Marketing, Chuttugunta Circle,
Murikipeta, Maharshi Dayanand Nagar,
Guntur, Andhra Pradesh
17. The Collector,
Collectorate Compound,
Kakinada, Kakinada District.
18. The Collector,
Rajahmundry, East Godavari District.
19. The Transport Department,
Government of AP,
Rep by its., Commissioner,
O/o. RTC House 3rd Floor,
NTR Administrative Block, vijayawada.
20. The Joint Director,
Animal Husbandry Department,
East Godavari District, Rajahmundry.

... Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ or order or direction with more particularly in the nature of WRIT OF MANDAMUS declaring the inaction of the Respondents authorities in implementing the Transportation of Animal Rules, 1978 (Amendment) 2001 and 2009, Prevention of Cruelty of Animal Rules 1978, Andhra Pradesh Prohibition of Cow slaughter and Prevention of Animals Act 1977 and GOMs No. 23 dated 01/10/2015 regarding livestock cattle markets as illegal, unconstitutional and violation of Article 14 and 48 & 51A (g) of the Constitution of India and Consequently direct the respondent authorities to initiate stringent action against the people who are indulging in the unauthorized transport of animals and direct all Respondent to take effective steps for ensuring implementation of GOM s 23 dated 01/10/2015.

IA NO: 2 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct Respondent district collectors R17 and R18 to submit reports to this Hon'ble court on the functioning of the livestock cattle markets at Pitapuram, Jagampeta Kakinada district and Gokavaram, East Godavari district vis-a-vis G.O.Ms.No.23 dated 01/10/2015 of Animal Husbandry Dairy Development and Fisheries (AH.I), Pending disposal of WP(PIL) 93 of 2024, on the file of the High Court.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to direct the Respondent Authorities to forthwith close/seal Shandy livestock cattle market functioning in Pitapuram, Jagampeta Kakinada district and Gokavaram, East Godavari district till

G.O.Ms. No. 23 dated 01/10/2015 is effectively implemented as certified by R5, R6, and R7 to be placed before this Hon'ble court, Pending disposal of WP(PIL) 93 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI PONNADA SREE VYAS, Advocate for the Petitioners, GP FOR GAD for the Respondent No.1, learned GP FOR Municipal Administration And Urban Development for respondent No.2, learned GP FOR PANCHAYAT RAJ for respondent No.3, learned GP FOR ANIMAL HUSBANDRY for respondent Nos. 4,7,8&20, Deputy Solicitor General for respondent Nos.5&6, Sri N. Srihari, Standing Counsel for respondent Nos.9&11, Sri M. Manohar Reddy, Standing Counsel for respondent No.10, learned GP FOR IRRIGATION for respondent No.12, learned GP FOR HOME for respondent Nos.13,14&15, learned GP FOR AGRICULTURE for respondent No.16, learned GP FOR REVENUE for respondent Nos.17&18, learned GP FOR TRANSPORT for respondent No.19, the Court made the following

ORDER:

The present PIL has been filed highlighting the rampant cruelty which is being perpetrated on animals in gross violation of the Government Order bearing No.23, dated 01.10.2015, which was issued pursuant to the directions issued by the combined High Court for the States of Telangana and Andhra Pradesh in WP(PIL). No.206 of 2015, dated 31.08.2015.

According to the said order, dated 31.08.2015, the Court, after noticing the fact that the animals were being treated cruelly either during the course of their illegal transportation or after they had been brought into the cattle market areas, had issued the directions to the

Government to frame a comprehensive policy in that regard which led finally to the issuance of G.O.Ms.No.23, dated 01.10.2015.

According to the said G.O, various guidelines had been prescribed which inter alia envisages the Shandy Level Monitoring Committee (SLMC) to ensure that there is provision for ramps, CC cameras, proper arrangements for feeding, drinking water and a shed for animals. Besides this, the guidelines also prescribed that there should be a GPS installed in the transport vehicles which should also contain partitions in the vehicle as per specification. Among other things, the guidelines also envisage that the SLMC shall submit monthly reports to the SPCA Chairman, who is the District Collector, as also to the State Animal Welfare Board.

Learned Senior Counsel representing the petitioners submits that an RTI was filed with the Animal Husbandry Department to know as to whether the reports as were required to be filed in terms of the G.O on a monthly basis were being filed or not. In response to the said RTI query, the petitioners were informed that no such information was being filed as was otherwise envisaged.

Photographs have been annexed by the petitioners which reflect a very sorry state of affairs. The photographs reflect number of dead animals in the cattle marketing area are being handled by cranes and other heavy machinery. Some of the photographs annexed with the petition also reflect dilapidated state of the fodder area as also the water troughs which contain no water. Even the covered sheds seem to be totally inadequate considering the large number of animals that are seen to be accommodated in the cattle market area.

Learned Senior Counsel for the petitioners would submit that in the first instance, the Collector of Kakinada District i.e., respondent No.17 as also the Collector of East Godavari District i.e., respondent No.18 be directed to file reports as to the manner in which the G.O.Ms.No.23 has been implemented and to reflect the steps which will be taken by the concerned SLMCs to give effect to the spirit of G.O.Ms.No.23.

Let a detailed affidavit be filed by respondents No.17 & 18 along with a comprehensive report.

Notice returnable on 19.06.2024.

Personal notice to respondent No.6 is permitted.

List on 19.06.2024."

//TRUE COPY//

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

Fo.

To,

1. The Chief Secretary, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, State of Andhra Pradesh.
2. The Principle Secretary, Municipal Administration Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, State of Andhra Pradesh.
3. The Principle Secretart, Panchayat Raj & Rural Development Department, Secretraiat Building, Velugapudi, Amaravathi, Guntur District, State of Andhra Pradesh.

4. The Principle Secretary, Animal Husbandry Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, State of Andhra Pradesh.
5. The Deputy Secretary (Animal Welfare), Union of India, Ministry of Environment Forest and Climate Change, 5th Floor, Vayu Wing, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003.
6. The Secretary, Animal Welfare Board of India, National Institute of Animal Welfare Campus, PO 42, KM Stone, Delhi-Agra Highway (NH-2), Seekri Village, Ballabgharh, Faridabad - 121 004.
7. The Director and Member Convener, State Animal Welfare Board- Andhra Pradesh, Animal Husbandry Department, Govt, of A.P., Labbipet, Vijayawada.
8. The Joint Director, Animal Husbandry Department Kakinadda District, Kakinada.
9. The Panchayat Secretary, Gokavaram Gram Panchayat, East Godavari District.
10. The Commissioner, Pithapuram Municipality, Pithapuram, Kakinada District.
11. The Secretary, Gram Panchayat Jagampeta, Jaggampeta Mandal, Kakinada District.
12. The Asst. Executive Engineer, Irrigation Department, P.I.P.L.M.C Sub-Division-4, Jaggampeta Mandal, Jaggampeta, Kakinada District.
13. The Director General of Police, AP DGP Head Quarters, 1st Floor, Mangalagiri, Guntur District, Andhra Pradesh
14. The Superintendent of Police, Kakinada, Kakinada District.
15. The Superintendent of Police, Rajahmundry, East Godavari District.
16. The Commissioner and Director of Agricultural, Marketing, Chuttugunta Circle, Murikipeta, Maharshi Dayanand Nagar, Guntur, Andhra Pradesh

17. The Collector, Collectorate Compound, Kakinada, Kakinada District.
18. The Collector, Rajahmundry, East Godavari District.
19. The Transport Department, Government of AP, Rep by its. Commissioner, O/o. RTC House 3rd Floor, NTR Administrative Block, Vijayawada.
20. The Joint Director, Animal Husbandry Department, East Godavari District, Rajahmundry. (Addressee Nos. 1 to 20 by RPAD)
21. One CC to SRI. PONNADA SREE VYAS Advocate [OPUC]
22. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court of Andhra Pradesh. [OUT]
23. Two CCs to GP FOR MA&UD, High Court of Andhra Pradesh. [OUT]
24. Two CCs to GP FOR PANCHAYAT RAJ, High Court of Andhra Pradesh.
25. Two CCs to GP FOR ANIMAL HUSBANDRY, High Court of Andhra Pradesh.
26. One CC to DEPUTY SOLICITOR GENERAL [OPUC]
27. One CC to Sri N. SRIHARI, STANDING COUNSEL [OPUC]
28. One CC to Sri M. Manohar Reddy, STANDING COUNSEL [OPUC]
29. Two CCs to GP FOR IRRIGATION COMM AREA DEV, High Court of Andhra Pradesh. [OUT]
30. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]
31. Two CCs to GP FOR AGRICULTURE, High Court of Andhra Pradesh. [OUT]
32. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
33. Two CCs to GP FOR TRANSPORT, High Court of Andhra Pradesh. [OUT]

34. One CC to AG OFFICE [OPUC]
35. Two spare copies

KJ

HIGH COURT

HC,J&
RRR,J

DATED:24/04/2024

LIST ON 19.06.2024

ORDER

WP(PIL).No.93 of 2024

DIRECTION

