

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.2710 OF 2021**

**PET ASSOCIATION PUNE & Ors. ] Petitioners**

**Vs.**

**The Union of India and others. ] Respondents**

.....

Mr. Kiran Kulkarni i/b Kulkarni & Associates, for Petitioners.

Mr. R.P. Kadam, A.G.P, for Respondent-State.

.....

**CORAM : K.K. TATED &  
PRITHVIRAJ K. CHAVAN, JJ.**

**DATE : 13<sup>th</sup> JULY, 2021.  
[Through Video Conferencing]**

**P.C.**

1. Heard learned Counsel for the parties.
2. Mr. Kulkarni, learned Counsel appearing on behalf of the petitioners submits that all the respondents have been duly served. He undertakes to file affidavit of service within one week from today. Statement is accepted.
3. By this Petition under Article 226 of the Constitution of India, the petitioners are challenging Rule-2(1), (c), (d), 3, 4, 5, 6 and 8 of Prevention of Cruelty to Animals (Dog breeding and Marketing) Rules 2017.

4. Mr. Kulkarni, learned Counsel for the petitioners submits that the same issue was before Madras High Court in ***Writ Petition No.16765 of 2017 in the case of The Kennel Club of India Vs. The Union of India and another.*** He submits that Madras High Court by order dated 22<sup>nd</sup> July, 2020 granted interim relief stating that no further action to physically seize dogs from their owners shall be undertaken by the respondent-State subject to any further orders in that regard. Paragraph 8 of the said order reads thus;

***“During the interregnum period, keeping in view the COVID situation existing as on today, particularly, in the State of Tamil Nadu, we find it expedient and in the interest of justice to provide interim relief to the effect that pursuant to the impugned Rules, no further action to physically seize dogs from their owners shall be undertaken by the respondent State subject to any further orders in this regard”.***

5. Learned Counsel for the petitioners submits that in similar way even Karnataka High Court also passed an order dated 17<sup>th</sup> July, 2020 in ***Writ Petition No.147050 of 2020.*** He submits that in the interest of justice, till the next date, the respondents may be restrained from taking any coercive action pursuant to the said rules.

6. On the other hand, Mr. Kadam, learned A.G.P appearing on behalf of Respondent-State submits that he requires some time to file reply.

7. Considering the submissions made by the learned Counsel appearing on behalf of the petitioners and as the learned A.G.P requires some time to file reply, following order is passed;

**: O R D E R :**

- (a) Respondent-State to file their affidavit-in-reply on or before 7<sup>th</sup> August, 2021 with copy to the other side;
- (b) Rejoinder, if any, to be filed on or before 11<sup>th</sup> August, 2021 with copy to the other side;
- (c) Matter to appear on board on 13<sup>th</sup> August, 2021.

**[PRITHVIRAJ K. CHAVAN, J.]**

**[K. K. TATED, J.]**