

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

**WRIT PETITION (CIVIL) NO. 599 OF 2015**

(Under Article 32 of the Constitution of India)

WITH

**INTERLCOUTORY APPLICATION NO.1 OF 2015**

(Application for permission to appear in person and argue)

AND

**INTERLCOUTORY APPLICATION NO.4 OF 2015**

(Application for Directions)

Anupam Tripathi

... Petitioner

Versus

Union of India

... Respondent

**OFFICE REPORT**

The Writ Petition above mentioned was listed before the Hon'ble Court on 26.10.2015 with Office Report dated 17.10.2015, when the court was pleased to inter-alia pass the following order:-

xxxxx            xxxxx            xxxxx            xxxxx

Application for impleadment, filed by Mr. V.K. Biju, learned counsel, is allowed. He has drawn our attention to Section 438 of the Kerala Municipality Act, 1994. The same reads as follows:

“438. Power to dispose of stray pigs and dogs.— The Secretary may order for the seizure and destruction of unlicensed pigs or dogs straying in the municipal area shall make such arrangements therefor as he may deem fit.”

We find that the arguments/submissions raised by Mr. Tripathi are based on the Act as well as the Rules framed thereunder. Stray dogs, prima facie we find, have not been defined. However, we perceive that the Act as well as the Rules strike a balance by permitting the destruction of certain categories of dogs and also granting protection or taking protective measures. Therefore, we are of the considered view that it will be the duty of the Animal Welfare Board of India, established under Section 5A of the Act, to take appropriate action as per the Act and the Rules. Let the Animal Welfare Board of India be impleaded as a respondent herein. Ms. Anjali Sharma, learned counsel accepts notice for Animal Welfare Board of India.

Both the State of Kerala as well as the Animal Welfare Board of India shall reply to the interim prayer by 16<sup>th</sup> November, 2015.

List the matter on 18.11.2015.”

It is submitted that pursuant to above order, Amended Cause Title has been prepared and being circulated for the kind perusal of the Hon'ble Court.

It is next submitted that Ms. Liz Mathew, Advocate has on 31.10.2015 & 17.11.2015 filed Vakalatnama/Appearance and Counter Affidavit respectively with permission of the Hon'ble Court on behalf of State of Kerala (Respondent No. 3) but the said affidavit is defective for the following reasons:- (i) Copy has not been served upon Union of India, (ii) Some pages of annexure are of dim impression and (iii) Annexure R-1 & R-2 are translated copy but no application for exemption from fling Official Translation has been filed. However, the said affidavit is being circulated for the kind perusal of the Hon'ble Court.

It is further submitted that no document has been filed in respect of Animal Welfare Board of India impleaded as Respondent No. 10 despite accepting notice by Ms. Anjali Sharma, Advocate before Hon'ble Court.

It is next submitted that Mr. V.K. Sidharthan, Advocate has on 27.10.2015 filed Application for intervention alongwith Vakalatnama/Appearance on behalf of Edwin Tomson P.J. & Kunjumon but the same is defective and the advocate has not cured the same despite this registry's letter dated 07.11.2015. However, the same is being circulated for the kind perusal of the Hon'ble Court.

It is lastly submitted that pursuant to court's order dated 09.10.2015 show cause notice was issued to Respondent Nos. 1 to 7 through Registered A.D. Post as well as Dasti on 16.10.2015.

Service of show cause notice is complete in respect of Respondent No. 3 and neither A.D. Cards nor unserved cover containing show cause notice has been received back in respect of Respondent Nos. 1-2 & 4-7 of so far. Petitioner-in-person also has not filed affidavit of dasti service, so far.

The Writ Petition alongwith Applications above-mentioned is listed before the Hon'ble Court with this Office Report for orders.

Dated this the 17<sup>th</sup> day of November, 2015.

Sd/-  
Assistant Registrar