



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:082238-DB



203/2 and 203/1

CWP-PIL-183 of 2019
Date of Decision: 03.07.2024

Jatinder JainPetitioner(s)

Versus

State of Haryana and othersRespondent(s)

AND

CWP-19104-2018

Court on its own MotionPetitioner(s)

Versus

State of Haryana and othersRespondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Ms. Sunaina, Advocate,
for Mr. H.C. Arora, Advocate,
for the petitioner (in CWP-PIL-183-2019).

Mr. Sardavinder Goyal, Advocate (appearing through V.C.),
and Mr. Rohit Duggal, Advocate (appearing through V.C.),
for the applicant(s) (in CM-17109-CWP-2018 in
CWP-19104-2018).

Mr. Ishan Gupta, Advocate,
for the applicant (in CM-13882-CWP-2019
in CWP-19104-2018).

Mr. Parminder Singh Kanwar, Addl. Standing Counsel,
for respondent-U.T., Chandigarh (in CWP-19104-2018).

Mr. Gaurav Mohunta, Advocate,
for Municipal Corporation, Chandigarh (in CWP-19104-2018).

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Mr. Naveen S. Bhardwaj, Addl. A.G., Haryana.

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G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)**CWP-PIL-183 of 2019**

1. The present Public Interest Litigation by way of a writ petition has been filed under Article 226 of the Constitution of India seeking prayer for directing the respondents to ensure the construction of cattle pounds with all the requisite infrastructure in the State of Punjab for confining the stray animals including stray cows/bulls and to make arrangements for looking after such stray animals so that the innocent citizens are not hit in every day life.

2. The instructions dated 22.10.2014 issued by the Government of Punjab, Animal Husbandry, Fishery and Dairy Development Department (Annexure P-4) have been relied upon. It has been pointed out that District Animal Husbandry Society shall be constituted in each district under the Chairmanship of Deputy Commissioner of the District for management of the cattle pounds. In the status report filed by the Deputy Secretary to Government of Punjab, Department of Local Government, Punjab, it has been mentioned that the task of catching and controlling the stray menace is being controlled by the Urban Local Bodies under the Department of Local Government. It has been further mentioned that 457 *Gaushalas*/cattle pounds are being run in the State of Punjab which are registered with Punjab Gau Sewa Commission. The Department of Local Government has paid Rs.5,00,000/- per *Gaushala* and a total of Rs.22.85 crores to 457 registered *Gaushalas* through the Department of Animal Husbandry, Punjab. Apart from this, it has been mentioned that financial assistance to at least 185 private *Gaushalas* ranging from Rs.20 to Rs.30 per stray cattle or a lumpsum amount based on the cow-cess collected/financial condition of the Urban Local Bodies is being provided. Reference is also made to the

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By-laws as such dated 12.10.2020 regarding the control of stray animals and compensation to the victim of animal attack, which provides grant of compensation by the Joint Commissioner. Mr. Sabhlok has also placed on record the said By-laws on record and pointed out regarding the construction of cattle pounds and its maintenance and provisions for seizure, detention and sterilization of stray cattle and for application for grant of compensation. It is also pointed out that apart from the above, the By-laws also provide for determination of compensation in case of stray dog attack and the assessment to be done on the basis of per wound or per puncture.

3. Keeping in view the above, we are of the considered opinion that once the Rules and By-laws having been made applicable in the urban areas, the relief as such which has been sought has been reasonably redressed by the State of Punjab and, therefore, the purpose of filing the Public Interest Litigation has been fulfilled. We are sanguine that the State of Punjab and the Authorities, Incharge of the Urban Local Bodies as such will ensure that the By-laws are strictly adhered to and due compliance is done and an exercise of picking up the stray cattle is done from all urban areas and taking them to the respective *Gowshalas* which are available in the neighbourhood. The State shall ensure that the said exercise is done with proper sensitivity as it is to be noticed that on account of heavy vehicular traffic flow in urban areas, the menace of stray cattle, whether moving or stationary, can lead to injuries being sustained and accidents occurring which sometimes prove fatal to the person driving or travelling on foot also since in various cases, it has come to the notice that stray cattle sometimes while engaged in fighting amongst themselves, also cause injuries as such to pedestrians also.

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4. Resultantly, the present writ petition is disposed of with the abovesaid observations.

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5. Similarly, in the present case, the learned Single Judge of this Court had referred the matter as Public Interest Litigation vide order dated 30.07.2018 keeping in view the earlier litigation which has been decided by the learned Single Judge in ***CWP No.23932 of 2015, Sushma Rani vs. State of Punjab and others.*** The reference order would also go on to show that similar concerns, as noticed above, were penned down by the learned Single Judge as to the menace of stray cattle and notice had been issued to Secretary, Local Bodies, Haryana and Secretary, Local Bodies, Punjab and Administrator, U.T., Chandigarh.

6. The Director General, Urban Local Bodies Department, Haryana filed his affidavit which would go on to show that the Haryana Municipal Ownerless and Stray Cattle Bye-Laws, 1976 have been notified which are to apply to all municipalities. It has been averred that directions have been issued on 22.09.2017 to all the Deputy Commissioners, Commissioners and Executive Officers/Secretaries of Municipal Corporation/Council/Committees in the State of Haryana to construct cattle pound/*Gau-Greh* within the municipal limits subject to the availability of land and resources. It has been further averred that a sum of Rs.13,34,400/- has been collected by the various municipalities as fine from owners of such animals as per Annexure R-1/2.

7. Similarly, status report by way of affidavit of Joint Commissioner, Municipal Corporation, Sector 17, Chandigarh has been filed, which would go on to show that there are three other cattle pounds in Sector 25, Sector 45 and Maloya, Chandigarh and they are being maintained

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by private NGOs. There are two cattle pounds situated in Industrial Area, Phase-I, Chandigarh and are being managed by the Municipal Corporation, Chandigarh and that there are 1121 cattle which are impounded and have been housed in the said cattle pounds. The details as such of the cattle being housed have been mentioned as 288, 919 and 600. The Municipal Corporation, Chandigarh having impounded 7165 cattle since November, 2018 to 10.08.2022 and Rs.49,97,600/- having been received as fine for 1959 animals has also been mentioned. The factum of 330 animals having been auctioned since 2020 and the amount of Rs.41,76,300/- having been received has also been mentioned. Further, the factum of two cattle catching trucks with hydraulic system being used for humane catching of stray cattle and 22 cattle catchers having been engaged for catching and maintaining the cattle pounds is also part of the averments. Availability of a dedicated and direct help-line number on the website of Municipal Corporation has also been mentioned and that there is a private contractor also hired by the Municipal Corporation, Chandigarh for lifting the dead animals from the city limits of Chandigarh and burying the same outside city limits. It has been further mentioned that 4 to 5 personnel are available in a vehicle on patrolling duty at the boundaries of Chandigarh in two shifts. The cattle housed in cattle pounds being vaccinated for hemorrhagic septiciemia (HS) disease and due to outbreak of lumpy skin disease (LSD) and being treated for the said disease has also been mentioned apart from that the Municipal Corporation is making all endeavours for the well being, welfare and up-keeping of animals in the city to make Chandigarh city free from cattle menace.

8. Keeping in view the above, we are of the considered opinion that the redressal having been as such done by the States, no further action

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is required in the said case also. Both the States of Punjab and Haryana and U.T., Chandigarh also, shall keep in view the necessary By-laws of the other states and U.T. and endeavour be made to make necessary amendments, if missing in their provisions as such, to ensure a uniform criteria, if so required.

9. The writ petition also stands disposed of with the abovesaid observations.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

03.07.2024
shivani

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No