

**COCP-1121-2017 (O&M)**  
**COCP-1182-2017 (O&M)**

**RAV PRATAP SINGH**  
**VS**  
**ANURAG AGGARWAL & ORS**

Present : Mr. Saurabh Arora, Advocate  
 for the petitioner (in COCP-1121-2017).

Mr. Kunal Mulwani, Advocate  
 for the petitioner (in COCP-1121-2017).

Mr. Jaivir S. Chandel, Addl. Standing Counsel and  
 Ms. Irvanneet Kaur, Advocate  
 for respondents No.1 to 3.

Mr. Gaurav Mohunta, Advocate for respondent/M.C., Chandigarh.

Mr. H.P.S. Ghuman, Advocate  
 for respondent/M.C., Patiala.

Mr. Abhilaksh Gaind, Advocate and  
 Mr. Rakesh Roy, Advocate for respondent/M.C., Malerkotla.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

\*\*\*\*\*

On 12.10.2023, the following order was passed:

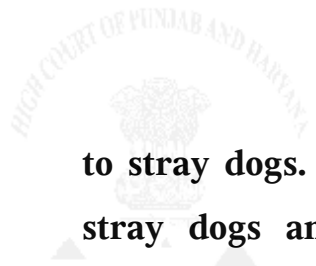
“Reference dated 19.9.2023 is received from the District and Sessions Judge, Ambala on a complaint given by Mr. Phalit Sharma, Additional District and Sessions Judge, Ambala, which reads as under :

"With due respect, it is submitted that undersigned is having official residence in colony adjoining Sessions House and other Judicial Officers are staying in other officers' colonies situated nearby. It is further humbly submitted that after shifting in allotted house, since undersigned got oneself saved from stray dogs' attack twice and official staff also faced the same attack and even general public at large including people moving on two wheelers are commonly experiencing such horrifying experience, undersigned had

sent separate requests to Deputy Commissioner and Municipal Commissioner, Ambala, to follow the directions passed by Hon'ble High Court concerning checking stray dog menace, but unfortunately, no concrete actions have been taken which is in total defiance of repeated directions of Hon'ble Higher Judicial Forums. Hon'ble Apex Court in Civil Appeal No. 5988/2019 titled as "**Animal Welfare Board of India Vs. People for Eliminations of Stray Troubles and Ors. 2016 (2) SCC 598**" had considered the issues relating to applicability and enforcement of Prevention of Cruelty to Animal Act, 1960 and the Animal Birth Control (Dogs) Rules, 2001, as very important and had given liberty to the parties to approach Hon ble High Courts, Whenever there is violation of law. Similarly, in the quoted case, Hon'ble Apex Court also made observations concerning safety of human being, in the following manner:

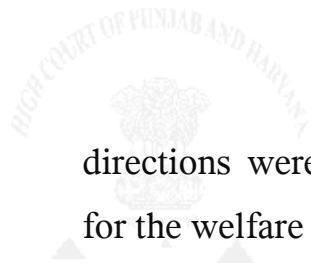
**"In name of compassion for dogs lives of human being not to be sacrificed-Sacrosanct duty of local authorities to provide sufficient number of dog pounds-Incumbent upon local authorities to provide requisite number of cans for capture and transportation of street dogs- Once this done balance between compassion to dogs and lives of human being to harmoniously co-exist-No innovative method to be adopted to to carry out responsibility under 1960 Act- Any kind of laxity while carrying out statutory obligations is not countenanced in law.**

To put a check on dog biting cases, Hon'ble Apex Court in case titled as "**Aluva Janaseva @ Janaseva Sisubhavanthr. Its Secretary Vs. Union of India and Ors. 2016 (1) RCR (Civil) 366**" has explicitly held in para no. 2 that, "**Stray dogs menace, Protection from stray dogs on the foundation that the lives of human being are to be saved, for they cannot be allowed to become prey**



**to stray dogs. Many children has been bitten by stray dogs and have suffered serious injuries Held, children are fundamental embodiment of human race and they deserve protection from any kind of attack by the stray dogs-Notice issued on Writ Petition."**

It is evident from the above described observations of Hon'ble Apex Court that Hon'ble Apex Court is equally concerned about Stray Dog Menace and has even recently shown its anquish in this regard. But unfortunately, Ambala Administration is not paying any heed to the repeated requests made by undersigned through office of Ld. District & Sessions Judge, Ambala, to it to perform its duties in the manner it is required. Alas, even, intervention of office of 11 District and Sessions Judge, Ambala, in this regard, is also proved to be a futile exercise because of which undersigned is compelled to protect oneself, colleagues and public at large, to request your good office to get necessary directions passed to District Administration, Ambala, to act immediately in the manner required. It is also intimated to your goodself that District Administration, Ambala and Municipal Committee, Ambala, has already been in contempt proceedings in the court of Ld. Civil Judge (Jr. Division), Ambala, separately, for violating orders passed by your good office communicated to Ld. District & Sessions Judge, Ambala, vide Endorsement No. 10257 Gen.III.Z.2 (a) dated 04.06.2020 communicated to Deputy Commissioner, Ambala vide memo no. 9774 dated 18.06.2020, who further communicated directions to the concerned authorities of Municipal Committee under intimation to Ld. District & Sessions Judge, Ambala through letter No. 1448/LFA dated 09.07.2020. Since,



directions were passed by our Hon'ble High Court for the welfare of public at large for putting check on the menace of stray dogs and being a public man and also a Judicial Officer, whose personal security from any angle is the responsibility of the District Administration, I am feeling unsafe because of total defiance mood of local authorities concerned against repeated directions of Hon'ble High Court to check this menace and also despite State of Haryana of which Ambala Administration is also part, is already facing contempt proceedings pending adjudication before Hon'ble High court on this issue, in **COCP-1121-2017 (O&M) and COCP-1182-2017 (O&M) titled as Rav Pratap Singh Vs. Anurag Aggarwal & Ors.** It has become my legal and moral duty as a responsible citizen to apprise Hon'ble High Court about lackadaisical approach of District Administration, Ambala towards Judges' security and welfare of the public at large, through this letter of request. Hence, it is humbly requested to pass necessary directions to District Administration, Ambala, on administration side to comply with, or, on judicial side, if deemed appropriate, for contempt against the local administrative authorities, so that law of the land prevail and is given effect in the manner it is desired, by everyone."

This matter is pending on judicial side in COCP Nos.1121-2017 and COCP-1182-2017, wherein the affidavits of respective Municipal Committees in the State of Haryana and Punjab are being sought and the same is listed for 23.11.2023.

Apart from this, it is also brought to the notice of this Court about a newspaper report of 9.9.2023 published in 'The Chandigarh Tribune' regarding the dog bites and suggestions from the citizens of the tri-city are sought for setting up pounds for hounds to prevent violent encounters. Copy of the

newspaper cutting is taken on record as Annexure A. 1.

Since COCP Nos.1121-2017 and COCP-1182-2017, in which the same issue is under consideration, is pending adjudication before this Court, the Registry is directed to attach this order with the above mentioned COPs and the same be taken up for hearing on 13.10.2023 after giving notice to all the concerned persons.”

These petitions were listed for 23.11.2023, however, on receiving a complaint from the Additional District & Sessions Judge, Ambala, wherein a request is made to take action against the stray dogs menace existing outside the judicial complex which houses the residences of Judicial Officers at Ambala, these cases are preponed and taken up today.

Learned counsel, appearing for the State of Haryana, on instructions from the Deputy Commissioner, Ambala, who had appeared in the present case as well as in some other case, has submitted that on 20.09.2023, the Urban Town Planner, Municipal Corporation, Ambala has invited e-Tenders for the sterilization and vaccination of the stray dogs in Ambala. A copy of the communication is placed on record.

However, the aforesaid action is not an effective and immediate relief to the Judicial Officers, who are facing the eminent danger of the stray dogs as they are even unable to go for morning or evening walk, therefore, the Deputy Commissioner, Ambala is directed to immediately look into the matter and remove the stray dogs from the nearby areas of the Judicial Complex, where the residences of the Judicial Officers are situated and rehabilitate the stray dogs at the outskirts of the city, which is less populated area.

Mr. Gaurav Mohunta, Advocate, appearing for the Municipal Corporation, Chandigarh, submits that Byelaws have been framed and it has been put to the House for approval and in this regard, some news reporting are also published in the Tribune and the Times of India (Chandigarh Edition) today

itself proposing that six breeds, i.e. American Bull Dog, American Pitbull, Bull Terrier, Cane Corso, Dogo Argentino, Rottweiler, and all of their cross breeds will not be permitted to be kept in residential area in any manner, however, with regard to the suggestions given by the residents, he submits that a fresh affidavit will be filed.

List again on 31.10.2023.

Compliance affidavit(s) be filed on or before the next date of hearing.

A copy of this order be sent to Deputy Commissioner, Mohali, Deputy Commissioner, Panchkula as well to file affidavit of action taken in line of action taken by U.T., Chandigarh.

Let a copy of this order be placed on the file of the connected case.

**13.10.2023**  
*Waseem Ansari*

**( ARVIND SINGH SANGWAN )**  
**JUDGE**