

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) (PIL) No.5 of 2024

Ms. Paramita Sen, resident of Vill-Malaynagar, P.O. Renters, Agartala, District-West Tripura, Pin-799004.

.....Petitioner(s);

Versus

1. The State of Tripura, represented by the Principal Secretary, Animal Resources Development Department, New Capital Complex, P.O. & P.S. - N.C.C. District-West Tripura, PIN-799010.
2. The Secretary, Tripura State Animal Welfare Board, Animal Resources Development Department(ARDD), Prani Sampad Bikash Bhawan, Pandit Nehru Complex, Gurkhabasti, P.O.- Kunjaban, PIN-799006, West Tripura.
3. The Principal Secretary, Govt. of Tripura, Department of Home Affair, New Capital Complex, P.O. & P.S. - N.C.C. District-West Tripura, PIN-799010.
4. The Director General of Police, Govt. of Tripura, Police Head Quarters, Fire Brigade Chowmuhani, P.O.-Agartala, West Tripura, PIN-799001.
5. District Magistrate & Collector (D.M.), Ex-Officio Chairman of SPCA, Unakoti District, Kailashahar, Unakoti Tripura, PIN-799277.
6. Superintendent of Police(SP), Unakoti District, PO-Gournagar, Kailashahar, PIN-799277,
7. Officer-in-Charge (O.C.), Kailashahar police Station, PO-Kailashahar, PIN-799277.

.....Respondent(s).

For Petitioner(s) : Ms. Paramita Sen, Petitioner-in-Person.

For Respondent(s) : Mr. S.M. Chakraborti, Advocate General,
Mr. K. N. Bhattacharyya, G.A.,
Ms. P. Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE BISWAJIT PALIT**

ORDER

19/12/2024

Heard Ms. Paramita Sen, learned petitioner-in-person and Mr. S.M. Chakraborty, learned Advocate General together with Mr. K.N. Bhattacharyya, learned Government Advocate appearing for the respondents-State.

Petitioner, a legal practitioner of this Court and an animal right activist working in the field of animal welfare activities as a member of the NGO “Society for Welfare of Animal and Nature (SWAN)” has sought to draw attention of this Court to an incidence which occurred on 25.07.2024 at about 03:00 pm at Kamrangabari, Kailashahar, Unakoti District in respect of a vehicle bearing No.TR02HI553 which was intercepted transporting cattle including cows, calves and bulls illegally in an inhumane manner in violation of the “Prevention of Cruelty to Animals (PCA) Act, 1960, “Transport of Animals Rules, 1978”, “Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, 2017” and the “Motor Vehicles Act, 1988.”

According to the petitioner, despite information by a local activist, who is also member of Society for Prevention of Cruelty to Animals, Unakoti and a written complaint in the Kailashahar Police Station under the provisions of the said Act, the cattle and the vehicle seized were released by the police without following the prescribed procedure under the Act of 1960. This matter was also brought to the notice of the Superintendent of Police, Unakoti through an Email on 27.07.2024 with a copy to the District Magistrate, Unakoti to take appropriate steps. Petitioner contends that the complainant was also being influenced to withdraw the complaint. Being aggrieved by such violation of law specially in relation to animals, the petitioner had to approach this Court in the present writ petition in nature of a Public Interest Litigation.

When the matter was taken up on 18.09.2024, learned Government Advocate sought time to seek instruction as regards the compliance of the Act of 1960 and the guidelines framed thereunder in the matter of release of cattle

as alleged to have been apprehended while being transported in poor condition by the petitioner-in-person.

Learned Government Advocate on instructions submits that adequate action has been taken against the concerned inspector, Sri Sukanta Sen Choudhury after issuance of show-cause notice by imposing a 'final warning' for such negligent act with a direction not to repeat such act in near future by the Superintendent of Police, Unakoti District, vide Office Order No.391/2024 dated 22.11.2024.

Learned Government Advocate submits that the respondent-authorities are obliged to follow the procedure prescribed under the Act, 1960 and the Rules framed thereunder. Respondent-authorities have assured that all such precautions would be taken in future to ensure that the letter of the law in this regard is duly complied with.

Upon hearing the stand of the respondent, learned petitioner-in-person submits that so far as the instant case of irregular release of cattle is concerned, since adequate action has been taken by Superintendent of Police, Unakoti, therefore, the petitioner would not like to press the charge further. However, she submits that direction may be issued to the respondent-authorities to ensure that in future strict compliance of the provisions of the Act of 1960 and the Rules framed thereunder be carried out in matters of seizure and release of such seized animals.

We are of the considered view that the Act of 1960, the Rules framed thereunder and the guidelines issued from time to time by the statutory authorities do need to be observed scrupulously at all levels by the concerned authorities. The concerned respondents would also ensure that such guidelines be once again circulated to the officers in the field so that cases of non-compliance of the provisions of the Act of 1960 and Rules framed thereunder by the officers at the ground level are not repeated again.

Accordingly, the instant petition is disposed of.

Pending application(s), if any, also stands disposed of.

(BISWAJIT PALIT), J

(APARESH KUMAR SINGH), CJ

Munna