

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-17188-2025

Date of decision: 01.07.2025

Resident Welfare Association, Taksila Heights Sector 37-C, Gurugram
....Petitioner

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ishaan Bhardwaj, Advocate,
for the petitioner.

Mr. Bhupender Singh, Additional A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. Fetching grievance from the letter/communication dated 19.05.2025, (Annexure P-8) issued by Sub-Divisional Officer (Civil), Badhsahpur, Gurugram (respondent No.2), who is the Chairman of the Committee constituted by the Deputy Commissioner, Gurugram, which embodied directions to the Chief Medical Officer, Municipal Corporation, Gurugram, for shifting back the stray dogs to Taksila Heights (Society where members of the petitioner-Association reside), after vaccination/sterilization, the place from where they were captured, the petitioner-Resident Welfare Association of the Society, has filed the instant petition, cast under Articles 226/227 of the Constitution of India, seeking quashing of the letter/communication (supra)

2. The directions (supra), are mainly challenged on the ground that the same have been issued, without any jurisdiction, and without complying with the requisite conditions, as encapsulated in Rule 20 of



the Animal Birth Control Rules, 2023 (hereinafter referred to as, 'Rules of 2023'). As much as, the directions (supra), have been passed in contravention of the Haryana Municipal (Registration and Proper Control of Dogs) Bye-laws, 2005 (hereinafter referred to as, 'Bye-laws of 2005'), which, according to the petitioner-Association, ought to have been adhered to in letter and spirit by the authorities concerned, before issuing the directions (supra).

Factual Matrix

3. Before embarking upon the submissions advanced by learned counsel for the petitioner, it would be apposite to make a compendious study of the factual background of the case at hand, which led the authorities concerned to draw the impugned letter/communication.

4. In an unfortunate incident that occurred on dated 22.09.2024, one of the stray dogs, housed in the Society in question, attacked an eight years old child, who is an inhabitant of the Society, and bit her oppressively. The child was taken to Fortis Hospital, Gurugram, for treatment, and as per the medical report, the injuries suffered by the child were on account of dog bite. Thereafter, after about a month, i.e. on 20.10.2024, mother of the child lodged a complaint to the concerned Police Station with regard to the aforesaid incident. But, in the interregnum, on the request of the parents of the child and other residents of the Society, a Non-Governmental Organization, "Umeed for Animals Foundation" captured six stray dogs therefrom, for their safe keeping, protection and welfare. According to the petitioner, the NGO maintains a dedicated place for relocation of street dogs and their rehabilitation,



though there is nothing on record to substantiate the same. However, the act of shifting of six stray aggressive dogs, triggered one of the residents of the Society, namely Ms. Garima Tripathi, to file a complaint on dated 24.09.2024, thereby, alleging that parents of the victim child and other residents of the Society, had beaten up, and thrown the dogs out of the premises of the said Society, in violation of the Rules of 2023, and even the CCTV cameras were shut down, at the time of said incident, in order to avoid creation of any evidence. Moreover, the people, who were trying to capture the videos of the said incident, were also threatened and were asked to delete the footage.

5. Accordingly, taking cognizance of the matter, an FIR No.679, dated 09.11.2024, under Section 325 of the Bhartiya Nyaya Sanhita (BNS), 2023, and Section 11(1) (1) of the Prevention of Cruelty of Animals Act, 1960 (for brevity, 'the Act of 1960'), was registered at Police Station, Sector-10, Gurugram. In order to unearth the truth, the Investigating Officer, under Sub-section (3) of Section 35 of BNSS, 2023, served a notice dated 24.12.2024 (Annexure P-5), upon the president of the Society to join the investigation. In the meanwhile, the Deputy Commissioner, Gurugram, vide communication dated 26.03.2025 (P-6), constituted a team of three members, i.e. Sub-Divisional Officer (Civil), Badshahpur, as Chairman; Joint Commissioner-I, Municipal Corporation, Gurugram, and Deputy Director, Saghan Pashu Chikitsa Vibhag, Gurugram, as members, for investigating into the complaint received against Dr. Ashish Singla, Chief Medical Officer, Municipal Corporation, Gurugram, and Mr. Sunil Dhankar, with regard to the capturing of the dogs from the Society. Whereafter, vide a



communication dated 19.05.2025 (Annexure P-7), on the complaint of one Shilpi Singh, the Deputy Director, Saghan Pashudhan Vikas Priyojna, Gurugram, had requested respondent No.2 for relocation of the stray dogs. In pursuance thereof, the impugned directions were issued to the Chief Medical Officer, Municipal Corporation, Gurugram, to shift the captured street dogs, after vaccination/sterilization, to the original place from where they were captured, i.e. the Society, vide impugned letter/communication, which has caused grievance to the petitioner-Association, and propelled it, to put the directions (supra), to legal scrutiny by instituting the instant petition.

Submissions of learned counsel for the petitioner

6. Learned counsel for the petitioner has addressed the arguments at length, and has made its endeavour to impel this Court that the impugned directions are liable to be quashed, as the same were required to be passed by a Committee of seven members, including a representative of the petitioner-Association, as per Sub-section (2) of Rule 20 of the Rules of 2023. He further submits that the authorities, who have passed the order (supra), do not vest with any jurisdiction, and thus, the order, indeed, requires interference by this Court. He takes support of Rule 11 of the Bye-laws of 2005, to submit that though, this Rule empowers the local authority to seize, detain and sterilize the street dogs, but does not empower it, to release the dogs to the same place from where they were captured.

7. It is submitted that the street dogs, which were captured by the NGO (Umeed for Animals Foundation), on the request of the members of the Society, are, in fact, aggressive in nature, and thus, the



Rules of 2023, are not applicable to the instant case, at any point. Finally, it is urged that the decision to shift the dogs was without proper assessment, and there was no determination, whether, they were suffering from rabies or exhibited extreme aggressive or violent behavior or other behavioural disorders. Even more, even there was no discussion/interaction with the residents of the Society, before taking the impugned action.

Analysis

8. Before penning down the fate of the instant matter and to gauge the legality of the impugned directions, it is imperative to refer to the legal provisions, which deal with the issue at hand.

9. In exercise of powers conferred by clause (ea) of Sub-section (1) and (2) of Section 38 of the Act of 1960, the Ministry of Fisheries, Animal Husbandry and Dairying, notified the Animal Birth Control Rules, 2023, and same came into force on dated 10.03.2023. These Rules mainly deal with the stray or street animals birth control.

10. To begin with, Rule 8 of the Rules of 2023, prescribes the responsibility for vaccination and sterilization. As per sub-clause (1) thereof, in case of pet animals, it is the owner, who shall be responsible for de-worming, immunization and sterilization, whereas, Sub-clause (2), postulates that in case of street/stray animals, the local authority shall be responsible for de-worming, immunization and sterilization, and for the said, it may engage an Animal Welfare Organisation duly recognized by the "Board". The term "Board" is defined in Rule 2(g). Further, Rule 10 stipulates the obligations of the local authority for ensuring facilities in each Animal Birth Control Center, within their



jurisdiction. Likewise, Rule 11, deals with capturing/sterilization/immunization or release of the street/unregistered dogs found within the municipal limits, and the purposes prescribed therein. One of the purposes is, to set up an Animal Complaint Cell, to receive complaints or information about dog bites, caused from street/stray dogs suspected to be suffering from Rabies. Further, Sub-clause (2) of Rule 11, deals with team for the purpose of capturing the dog, whereas, sub-clause (3), imposes an obligation upon the local authority, or a representative of the local authority, to put up banners or public notices, making announcement, informing residents, before the street/stray dogs are captured from the area concerned, and furthermore, they are also required to be released, after their sterilization and immunization. Apart from the other minute details regarding capturing of street dogs, **Sub-clause (8) pre-supposes that all the dogs caught, shall be identified with a numbered collar immediately upon arrival at the Animal Birth Control Center, and the number shall correspond to capture records to ensure that each dog is released, in the same area from where it was captured, after sterilization and immunization.**

11. On the same lines, Sub-clause (19) of Rule 11, imposes an obligation upon the local authority that all the dogs shall be released at the same place or locality from where they were captured, and the date, time and place of their release is also mandatory to be recorded after the completion of sterilization process, and the representative of the local authority or of the animal welfare organization, shall accompany the team at the time of release, and the Board may provide a suitable



application for geo-tagging the location of the dogs, during their capture and release.

12. Similarly, Rule 16 deals with the procedure with regard to resolution of complaints of dog bites or rabid dogs. **Sub-clause (6) of Rule 16, clearly prescribes that in case, any dog is found not to have rabies, but some other disease or is furious in nature, then it would be handed over to the Animal Welfare Organisation, which shall take the necessary action to cure and release the dog after ten days of observation.**

13. At this juncture, Rule 16 assumes significance, and thus, would be necessary to be referred to:-

16. Resolution of Complaints regarding dog bites or rabid dogs:- *The local authority may establish an Animal Helpline. Either the Project In-Charge or the Animal Welfare Organisation shall be responsible for recording and resolving conflict cases that may be reported.*

(1) On receipt of such a complaint, the details such as name of the complainant, his complete address, date and time of complaint, nature of complaint etc. shall be recorded in a register to be maintained for permanent record.

(2) The information of any dog bite shall be promptly shared with the Government Medical Hospital to recommend post bite treatment.

(3) Such animals shall be humanely captured and kept for observation at the Animal Birth Control Center and upon the advice of the Veterinary Practitioner, a dog showing symptoms of any communicable disease shall be housed in the Isolation Kennel where food and water shall be provided to the dog twice every day.



(4) Any suspected rabid dog would then be subjected to inspection by a panel of two persons and the like a veterinary surgeon appointed by the local authority and a representative from an Animal Welfare Organisation.

(5) If the dog is found to have a high probability of having rabies, it shall be isolated till it dies a natural death. Death normally occurs within ten days of contracting rabies.

(6) If the dog is found not to have rabies but some other disease or is furious in nature then it would be handed over to the Animal Welfare Organisation who shall take the necessary action to cure and release the dog after ten days of observation.

(7) The carcasses of dogs that are suspected to have died of rabies shall be disposed of in an incinerator or adopting any other method as provided by the Chief Veterinary Officer of the District.

(8) If the Animal Birth Control Program is being run by an animal welfare organisation, it shall be reimbursed by the local authority for keeping and treating such dogs under observation at a rate determined by the Local Animal Birth Control Monitoring Committee.

(9) The Local Authority shall display outreach material provided by the Board on prominent sites in the city, to sensitise people about street dogs.

14. A combined reading of the above extracted provisions of Rules of 2023, makes it crystal, clear that in case, a dog is captured, either for the purpose of sterilization or vaccination/immunization, or when it is found that the dog is not suffering from rabies, but from any other disease or is furious in nature, then it is within the domain of the local authorities to handover the dog to the Animal Welfare Organisation, which shall take necessary action to cure and release the dog after 10



days of observation. However, in the instant case, first of all, the dogs were captured by the NGO (Umeed for Animals Foundation), in complete ignorance of the provisions of Rules of 2023. This organization can capture the dogs only as a representative of local authorities, and that too after complying with the abovesaid prescribed provisions. But, unfortunately, none of the provisions were shown to have been complied with, which, as indicated above, also culminated into registration of the FIR No.679 (supra).

15. Proceeding further, as demonstrated above, Rule 11, which deals with capturing of dogs for the purpose of sterilization or immunization or release, also mandates to release the dog back to its original place from where it was captured. In this regard, a reference to Sub-clause (8) and (19) thereof, is inevitable, and the same read as under:-

(8) All the dogs caught shall be identified with a numbered collar immediately upon arrival at the Animal Birth Control Center and the number shall correspond to capture records to ensure that each dog is released, in the same area from where it was captured, after sterilisation and immunisation.

(19) The dogs shall be released at the same place or locality from where they were captured and the date, time and place of their release shall be recorded after their complete recovery and the representative of the local authority or of the animal welfare organisation shall accompany the team at the time of release and from time to time, the Board may provide a suitable application for geo-tagging the location of the dogs during capture and release.



16. The hereinabove extracted provision of law, makes a vivid display, upon which reliance is placed by learned counsel for the petitioner, and sub-clause (2) of Rule 20 of the Rules of 2023, is, in fact, misplaced, as there is no dispute with regard to fixing of space for feeding the community animals. But, in the instant petition, there is no conflict between the RWA and other residents regarding fixing of any point to feed the community animals. Therefore, this argument pales into insignificance.

17. Before delving deep into the next submission with regard to the powers of local authorities, as envisaged under Rule 11 of the Bye-laws of 2005, it would be necessary to have a glimpse of Rule 11:-

11. Seizure, detention and sterilization of stray dogs.

(1) An official duly authorised by licensing authority may seize any dog found in highway or public place, which he has reason to believe to be a stray dog and detain it for a week or until the owner has claimed for it and paid all expenses incurred by the committee for its detention. If the dog wears a collar with an address on or attached to it, or the owner of the dog is known, the committee may serve on the person whose address is given, or on the owner, written notice stating that the dog has been seized and is liable to be sold or culled if not claimed within seven clear days after the service.

(2) The stray dogs found moving in streets/roads/any public place within the municipal limits by the private individual, Animal Welfare Organization(s) shall be caught and handed over to the official incharge of the committee for impounding the stray dogs in the enclosure fixed for the purpose by the committee. The above said enclosure shall have a boundary wall of such height as the dogs inside the enclosure is not able to cross/jump the boundary



wall. The enclosure shall have the provision of a pond of the size of 20' x 20' mean size of the depth of 2 in Trapezoidal shape with side slope of 1 : 4.

(3) [The stray dogs shall be sterilized and immunized by the veterinary doctor in the enclosure fixed for impounding the stray dogs with the help of Animal Welfare Organisations and the cost of sterilization and immunization shall be borne by the concerned municipal committee. The requirement of stray dogs in the impounding campus shall be met out by the Animal Welfare Organisation(s)/Non-Government Organisations/committee.]
[Substituted by Haryana Notification No. S.O. 14/H.A. 24/1973/Sections 200 and 214/2004. dated 27.1.2006.]

18. A thorough analysis of the Rule (supra), leaves no room for doubt that, though the local authorities, have the power to keep the street dogs in the impounding compound, however, it does not empower them, to keep the dogs for an indefinite period, which has been duly prescribed in the Rules of 2023. Therefore, this Court is of the considered opinion that the impugned directions were very well passed in consonance with the Rules of 2023, and there is no violation of any Bye-laws of 2005. Further, in conspectus of the abovesaid narration, it is evident that Rule 11 of the Bye-laws of 2005, would have no bearing on the instant matter, as the dogs were not captured by the local authorities. Thus, this Court does not find any merit in the submissions made by learned counsel for the petitioner, requiring any interference by this Court.

19. Not just that, a perusal of the impugned letter reflects that the specific directions were issued to the Chief Medical Officer to release the captured street/stray dogs only after they being vaccinated/sterlized. Further, as narrated above, the dogs were captured way back on dated



24.09.2024, and they were ordered to be released, vide impugned communication dated 19.05.2025. However, in the light of the provisions, referred to above, they ought to have been released after 10 days of their seizure, meaning thereby, the communication (supra), should have been passed much prior.

Final Order

20. In summa, the instant writ petition is **dismissed**.
21. However, before parting with the judgment, it is clarified that in the event of any complaint regarding the menace of street/stray dogs, the petitioner-RWA, would be at liberty to approach the local authorities, or any other authority concerned, in terms of the provisions of Rules of 2023, for redressal of its grievance.

(KULDEEP TIWARI)
JUDGE

01.07.2025
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No