

IN THE HIGH COURT OF ORISSA, CUTTACK
(Original Jurisdiction Cases)

W.P.(C) (PIL) No. _____ of 2025

Code No. :.....

IN THE MATTER OF:

An application under article 226 of
Constitution of India.

AND

IN THE MATTER OF:

An application for Public Interest
Litigation.

AND

IN THE MATTER OF:

An application Violation of
Government of India notification of
Animal Birth Control Rules, 2023
and as per sub-rule 19 of Rule 11 of
Animal Birth Control Rules, 2023

AND

IN THE MATTER OF :

An application for PFA Cuttack not
providing details of the name of the
veterinary doctor who is going to do
the surgery and also not providing
the Veterinary Assistant Surgeon
(VAS) certificate for each of the

BIJAYA KUMAR RAGADA
Enrl No.O-1154/1995

stray dogs operated in their centre based on which the NGO is receiving monetary benefit from CMC etc.

AND

IN THE MATTER OF :

An application for PFA Cuttack not providing details of who is accountable for the death of these stray dogs and what are the checks and balances in PFA, other NGOs, Director, Animal Husbandry & Veterinary Service, Mangalabag, Cuttack, (DAHVS), Cuttack Municipal Corporation, Odisha (CMC), Bhubaneswar Municipal Corporation, Odisha (BMC) and other Municipalities and Notified Area Councils (NAC) of Odisha to prevent any type of mischief with regard to sterilization and re-location of the dogs as they are voiceless.

AND

In the matter of :

An Application for PFA Cuttack not providing details of CCTV footage of entry and exit of all the stray dogs to their PFA centre for sterilization

AND

IN THE MATTER OF :

An application PFA Cuttack not providing details of financial transactions, donations received, source of donations, amount of govt assistance in the form of land, food, medicine etc year wise, proof of licence from Govt of Odisha with date of issue with terms and conditions and its validity etc. in their website.

AND

IN THE MATTER OF:

An application for PFA Cuttack not providing details of record of deaths of stray animals, number of operations done per week with success rate, date of release of captured animals in their natural locality with videography and eye witness as per Animal Welfare Board of India (AWBI) guidelines.

AND

IN THE MATTER OF:

An Application challenging serious apprehension of irregularities by the NGOs and lack of checks and balances there is need for audit by Accountant General of Odisha to do audit of govt assistance to PFA and other NGOs involved in the matter of stray animals in the form of

financial assistance, food, medicine, cost of operation etc supported by authorized VAS Certificate for release of state exchequer's fund to NGOs .

AND

IN THE MATTER OF:

Smt. Jayanti Das, aged about 62 years, W/o-Sri Kumuda Bandhu Das, At-Mahamadia Bazar, Po-Chandini chowk, Ps-Lalbag, Town/Dist-Cuttack

..... Petitioner

-Versus-

1. State of Odisha, Represented through its Principle Secretary, Fisheries & Animal Resources Development ,Odisha
2. Director, Animal Husbandry & Veterinary Service Mangalabag, Cuttack odisha.
3. Secretary, Animal Welfare Board Of India Ministry of Fisheries, Animal Husbandry and Dairying, Govt. of India(Department of Animal Husbandry and Dairying) NIAW Campus, 42 Mile Stone,

Delhi-Agra Highway NH-2,
Ballabhgarh, Haryana-121004.

4. Collector , Cuttack ,Office of collector and District Magistrate, Cuttack,Pin-753002.
5. Cuttack Municipal Corporation, Represented through its Commissioner , Cuttack.
6. Bhubaneswar Municipal Corporation , Represented through its Commissioner,Bhubaneswar.
7. Unit Head, PFA Cuttack, Cda 11,Cuttack.

....Opp. Parties

To,

The Hon'ble Chief Justice of Orissa High Court
and His Lordship's Companion Justices of the
said Hon'ble Court.

The matter out of which this PIL writ application arises was never before this Hon'ble court at the instance of the petitioner in the present form.

The humble petition of the
petitioner named above.

MOST RESPECTFULLY SHEWETH

1. That the instant writ petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation by the petitioner seeking for a direction to provide the details of who all are accountable for the death of these stray dogs and what are the checks and balances in PFA, other NGOs, Director, Animal Husbandry & Veterinary Service, Mangalabag, Cuttack, (DAHVS), Cuttack Municipal Corporation, Odisha (CMC), Bhubaneswar Municipal Corporation, Odisha (BMC) and other Municipalities and Notified Area Councils (NAC) of Odisha to prevent any type of mischief with regard to sterilization and re-location of the dogs as they are voiceless.

2. That the petitioner is a citizen of India and resides within the territorial jurisdiction of this Hon'ble Court and the cause of action for filing of the present Public Interest Litigation also arose within the jurisdiction of this Hon'ble Court.

3. That the petitioner is a social activist and always fights for the well being and development of the general people at large and more concerned for the overall development of the down trodden people of the society. The petitioner is also actively associated for the different cause of the society drastically affecting the well being of the people, such as illiteracy, blind religious faith and exploitation of people by the group

of religious monarch by exerting fear under the garb of religious faith and customs.

4. That it is humbly submitted that the petitioner is filing the present writ petition on her own and not at the instance of someone else. The litigation cost, including the Advocate's fee and the Travelling Expenses of the lawyer, if any, are being borne by the petitioner herself.

5. **That the facts of the case in brief as follows –**

The cause of action arise as the same stray dogs did not come for food to her residence which they used to do for last several years and on enquiry she came to know that they have been taken by dog squad of CMC. Under the circumstances to confirm the incident she sent the email to unit head PFA Cuttack with a request to give the details and the whereabouts of the stray dogs and to confirm whether they had taken away the stray dogs or not. Surprisingly unit head PFA Cuttack did not reply.

1. The petitioner had filed a complaint through email dated 05.05.2025 to PFA unit head Cuttack including their head office in New Delhi about the capture of 8 to 10 stray dogs including small dogs in the morning by the dog capturing

vehicle. A copy of the representation is annexed as **ANNEXURE -1.**

2. That, The petitioner again sent an email dated 06.05 2025 to unit head PFA Cuttack, PFA head office and copy to Animal Welfare Board Of India, Collector Cuttack, Commissioner Cmc And DCP Cuttack to take necessary action in this matter as it is matter of life and death of stray dogs who have been captured and cannot save themselves from the clutches of brutality unless a helping hand comes forward in the garb of legal support. A copy of the representation is annexed as **ANNEXURE -2.**
3. That,It is pertinent to mention that the authorities did not think it proper to reply or neither took any action in this matter as influential persons are involved in this matter.
4. That, on 30.05.2025 Animal welfare Board of India had forwarded the grievance to Director animal husbandry & veterinary services, Odisha regarding regarding taking away of 8 to 10 stray dogs from ward 12 cmc,cuttack . A Copy of the representation Is annexed as **ANNEXURE -3**
5. That, the petitioner had also communicated multiple times through email to Director animal husbandry & veterinary services, Odisha regarding regarding taking away of 8 to 10 stray dogs from ward 12 cmc,cuttack on 05.05.2025 but unfortunately no action was taken from their

end . The copies of the representations is annexed as **ANNEXURE -4.**

6. That, the petitioner also had mentioned in her email that if PFA Cuttack had not taken the dogs and if they are dead then they must have been taken away by CMC Cuttack which is also not confirmed by the CMC on request through her email and as the stray dogs are territorial in nature and do not cross their border areas so easily unless they pushed hard brutally and if they are alive they definitely come to their natural place if they have not been forcefully evacuated by CMC.
7. That, the petitioner is aggrieved as she was emotionally attached to these abandoned stray dogs by feeding them, nourishing them, giving them medical assistance and doing their last rites since super cyclone in Odisha in 1999 and rescues several abandoned puppies in her residence which can be verified from the local PS and the petitioner does not accept any donation in any form and the expenditure is met from her savings.
8. That, the petitioner is also aggrieved as the NGOs and the concerned authorities do not fulfill their official duty by not maintaining transparency in their monetary transaction done in the form of collection of donation and taking govt assistance from the state exchequer which is public money being a citizen of the country.
9. That, the petitioner is also aggrieved as there is chance of serious negligence and cruelty towards the stray dogs as they are taken without prior intimation and digital evidence of that in such a hot summer with high heat wave warning by the govt and the NGOs are hesitant to give

information which itself creates suspicion beyond reasonable doubt as it violates AWBI guidelines.

10. Under the circumstances the petitioner has no other forum for relief to know about the stray dogs to whom the petitioner was feeding regularly and taking their medical care and as the authorities are not in a mood to give any information and clarification including DCP Cuttack who is a member to the committee of AWBI operational in Collectorate Cuttack except approaching this Hon'ble court .
9. That the present Writ petition has been file on the following amongst others

GROUND S

- i. For that the Violation of Government of India notification of Animal Birth Control Rules, 2023 and as per sub-rule 19 of Rule 11 of Animal Birth Control Rules, 2023 stated that the dog 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. Thus, the stray dogs cannot be displaced and relocated from their territory in contravention to the above rule.

- ii. For that There are serious irregularities in the work culture of NGOs involved in the field of rescue of stray animals, adoption of stray animals and sterilization of stray animals as they do not give any information in their website.
- iii. For that there is serious apprehension of financial irregularities and misappropriation of funds collected from donations and financial assistance from government in the name of stray animals for their welfare and rehabilitation as they do not provide the details of number of stray animals captured, operated, percentage of success, number of deaths with videography.
- iv. For that there is Chance of misutilization of public money from the state exchequer as there is no check and balance on the NGOs by an independent regulatory authority.
- v. For that there is chance of animal cruelty during the capture of stray animals in a primitive inhuman method without use of scientific way and also is no information available in their website about the veterinary surgeon who is primary witness in the whole process of operation, death and recovery of the stray animals.

vi. For that the NGOs are putting some photographs and theme which are heart touching in their concerned website only to raise funds and donation and such type of financial transaction are done by emotional appeal in the name of stray animals but the relevant crucial data is not available in their website like PFA Cuttack which needs to be regulated by specific regulatory authority and ombudsman which is not present now till date .

8. That, there being no other speedy and efficacious alternative remedy available petitioner begs to invoke the extraordinary jurisdiction of this Hon'ble court under Article 226 of the Constitution of India.

P R A Y E R

The petitioner, therefore, prays that this Hon'ble court be graciously pleased to admit the public litigation and issue a Rule NISI calling upon the OPP. Parties to show cause as to why a writ of mandamus or any other appropriate Writ/Writs shall not be issued to the Opp. Parties : -

- (i) Shall not make social audit in the matter of financial transactions of all NGOs receiving govt funds and private donations including

will of private persons for use and misuse of the terms and conditions of the will.

- (ii) Shall not to make Appointment of independent ombudsman like banks and insurance companies for hearing any complaint against the NGOs
- (iii) Shall not to make a crime branch inquiry in the field of capturing total number of animals on record and evidence thereof digitally as witnesses are purchasable and fake bills can be created as the stray animal cannot defend, number of operations done, number of deaths with veterinary surgeon's certificate and total amount of bill claimed from the govt in the form of medicine, food and rehabilitation.
- (iv) Shall not strictly follow AWBI guidelines issued to the states during the time of capturing and releasing the stray dogs in their natural locality .
- (v) Shall not AWBI may be directed to frame fresh guidelines for the NGOs keeping this particular case as a case study for the modus operandi of capturing, operation, to tag the animals after sterilization, accountability of veterinary surgeon, case diary of weekly capture, operation, number of deaths and release of the animals in their natural place after informing in the local PS with digital evidence etc as there is every chance that these NGOs are committing the same negligence throughout Odisha and all over

India as the weak point of this is they are stray animals and unfortunately people raising fund in the name of stray animals are not transparent in nature which is dangerous for the animals and it is stigma to our civilized society.

(vi) Shall not DAHVS may be directed to upload the census data of the stray dogs district wise along with the date and year of census, NGOs with email id and contact number involved in the census process, date of notification inviting tender and agencies participating in the bidding process.

(vii) Shall not VAS certificate for the stray dogs to be made mandatory for release of state exchequer's fund from state govt.

If the Opp. Parties fail to show cause or show insufficient cause, to make the said rule absolute

And pass an order(s)/direction(s) as this Hon'ble Court deem fit and proper.

And for this act of kindness the petitioner as in duty bound shall ever pray.

Cuttack

By the petitioner through

Date :

Advocate