

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28155 of 2023

*The National Law University of
Odisha*

.....

Petitioner

*Mr. P.K. Rath, Senior Advocate
assisted by Ms. S. Das, Advocate*

Vs.

*Cuttack Municipal Corporation,
Cuttack*

.....

Opposite Party

*Mr. Pradipta Kumar Mohanty, Senior Advocate
assisted by Mr. Pranay Mohanty, Advocate*

CORAM:

**THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO**

**ORDER
28.08.2023**

**Order No.
01.**

(Through hybrid mode)

1. This is a case where we have considered request for urgent disposal and accordingly this matter has been taken on special notice.
2. Heard Mr. P.K. Rath, learned Senior Counsel assisted by Ms. S. Das, learned counsel appearing for the petitioner and Mr. Pradipta Kumar Mohanty, learned Senior Counsel assisted by Mr. Pranay Mohanty, learned counsel appearing for the opposite party-Cuttack Municipal Corporation.

3. The relief urged in this public interest litigation (PIL) is relocation of the stray dogs from the campus of the National Law University Odisha, as according to the petitioner *those dogs are causing threat to life of Aditya Roy Chowdhury, a first year student of N.L.U.O. who suffers from cerebral palsy and 65% disability.* In the last one month, he has been chased by the stray dogs in the University campus 15 times and bitten 7 times. The last attack was on 26th August, 2023. Each time he had to take Anti-Rabies Injection.

4. It has been stated to us by Mr. Rath, learned Senior Counsel that now Aditya Roy Chowdhury is suffering from acute anxiety and unstable blood pressure. His mental and physical health has been gravely affected by the series of incidents as noted before. On 27th August, 2023, he had to be taken to the Hospital on account of his health condition.

5. The University-petitioner has stated that the dogs are not original habitants of the campus. Those have migrated from the nearby locations like Brajabiharipur, Naraj etc. unless those are relocated to their original habitat, normalcy will not return to the University campus, and for that purpose, Cuttack Municipal

Corporation should be directed for immediate relocation of those dogs. It has been also stated in the petition that *the concerned student and his parents have requested to the University to ensure safety in the wake of multiple chasings and biting attack in the last one month.*

6. From the averments, it has transpired that 15-20 stray dogs had been involved in attacks, biting and chasing Aditya Roy Chowdhury and the security staffs who rushed to rescue him.

7. According to the petitioner-University, due to ongoing mating season of dogs, the campus dogs have become even more aggressive. The petitioner has disclosed that there had been attempt to sterilize those dogs. Therefore, the petitioner has urged this Court to direct the Cuttack Municipal Corporation to immediately relocate the stray dogs from the campus to their original habitat in different villages following the guidelines issued by the Animal Welfare Board of India, which is available under Annexure-3 of this petition. The guidelines do not prohibit relocation of dogs to their original habitat.

8. Mr. Mohanty, learned Senior Counsel appearing for the opposite party-Cuttack Municipal Corporation has submitted that the

Cuttack Municipal Corporation has a squad to pick up the stray dogs from the streets and other places and relocate them to places where they can find comfort and food-security.

9. Mr. Mohanty, learned Senior Counsel has however pointed out that the petitioner-University should have added the Health Officer, Cuttack Municipal Corporation as the party proceeding as the grievance was ventilated by the University authority to him.

10. We have perused the letter written to the Health Officer, Cuttack Municipal Corporation on 07.08.2023 under Annexure-1 to this petition.

11. Both the counsel are on consensus that immediate action for relocation of the dogs is to be carried out to bring back normalcy in the University campus.

12. Having regard to gravity of the situation and the consensus that is formed between the counsel for the petitioner and the opposite party, we direct the Commissioner, Cuttack Municipal Corporation to engage the concerned squad under supervision of the Health Officer for relocating all the stray dogs from the campus of the National Law University of Odisha within 24 hours from now.

13. A compliance report be filed by day-after-tomorrow

(30.08.2023) in the Registry after serving a copy to Ms. S. Das, learned counsel for the petitioner.

14. In terms of the above direction, this writ petition stands disposed of.

15. Urgent certified copy of this order be granted on proper application.

16. A copy of this order be served forthwith to Mr. Pranay Mohanty, learned counsel appearing for the Cuttack Municipal Corporation.

(S.Talapatra)
Chief Justice

(Savitri Ratho)
Judge

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Signature Not Verified

Digitally Signed
Signed by: PUSPANJALI MOHAPATRA
Designation: Personal Assistant
Reason: Authentication
Location: Orissa High Court
Date: 28-Aug-2023 20:09:00

