
(2017) 07 P&H CK 0026
In the Punjab And Haryana At Chandigarh
Case No : 14188 of 2017

Ram Kumar

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 05-07-2017

Acts Referred:

[Punjab Municipal Act, 1911](#), [Section 110](#)/
[Section 109](#) - Suffering dogs to be at large - Disposal of
mad and stray dogs and other animals

Citation : (2017) 07 P&H CK 0026

Hon'ble Judges : Rakesh Kumar Jain

Bench : SINGLE BENCH

Advocate : H.C. Arora

Judgement

1. This petition is filed for seeking a direction to the respondents to pay compensation to the petitioner to the tune of L 10,00,000/- on account of untimely death of his son Ankit due to bite by a stray dog. Ankit was a minor, aged about 12 years, studying in 5th standard in S.D. Modern Public School, Grohmi Patti, Samana when he was bitten by the stray dog on 26.01.2014 outside his house. He was admitted in the Civil Hospital, Samana and was injected with anti rabies injections four times but on 05.03.2014, he became unconscious when he was administered 5th anti rabies injection and died at the spot.

2. Counsel for the petitioner has submitted that as per Section 109 of the Punjab Municipal Act, 1911 (hereinafter referred to as the "Act"), it is the duty of the Municipal Committee to dispose of mad and stray dogs and other animals. Section 109 of the Act is reproduced as under:- "109. Disposal of mad and stray dogs and other animals. (1) The committee may-

(a) authorize any person- (i) to destroy, or cause to be destroyed, or confine, or cause to be confined for such period as the committee may direct, any dog or other animal suffering, or reasonably suspected to be suffering from rabies, or

bitten by any dog or other animal suffering or suspected as aforesaid;

(ii) to confine, or cause to be confined, any dogs found wandering about streets or public places without collars or other marks distinguishing them as private property and charge a fee for such detention and destroy or otherwise dispose of any such dog if it is not claimed within one week, and the fee paid; (b) issue a temporary or standing order that any dog without collars or other marks distinguishing them as private property, found straying on the streets or beyond the enclosures of the houses of the owners of such dogs may be destroyed and destroy or cause them to be destroyed accordingly. Public notice shall be given of any such order.

(2) No damages shall be payable in respect of any dogs or other animal destroyed or otherwise disposed of under this section."

3. Section 110 also provides that in case an owner or person in charge of any dog neglects to restrain it so that it shall not be at large in any street without a muzzle, then the said person shall be punished with a fine of twenty rupees. Section 110 of the Act is also reproduced as under:- "110. Suffering dogs to be at large: - Whoever, being the owner or person in charge of any dog, neglects to restrain it so that it shall not be at large in any street without a muzzle-

(a) if such dog is likely to annoy or intimidate passengers, or (b) if the committee has by public notice during the prevalence of rabies directed that dogs shall not be at large without muzzles. shall be punishable with fine which may extend to twenty rupees."

4. Before approaching this Court, the petitioner had served a legal notice upon the respondents but no reply has been given so far.

5. This Court has been dealing with the menace of stray dogs in the past as well but since the incidents of injuries being caused by the stray dogs and even by the pet dogs who are not being properly trained or disciplined by their owners and also the death caused by such dogs are on increase, therefore, I propose to issue notice not only to the respondents herein but also to the State of Haryana through Secretary, Department of Local Bodies, the Director, Local Bodies, Haryana, the Secretary, Local Bodies, Union Territory, Chandigarh and the Commissioner, Municipal Corporation, Chandigarh to show cause in this case as to what policy they have framed for the purpose of compensating the persons who suffers injuries/death because of bite by the stray dogs and even on account of negligence of the doctors attending such patients because in this case, the child had died not immediately after the dog bite but at the time when 5th anti rabies injection was administered to him. It is very well known that a dog bite is fatal in nature as the person who is bitten by a rabies dog suffers from hydrophobia, which is a fatal and un-curable disease. There is only prevention and not cure of this disease and prevention is only if the dogs are vaccinated with the anti rabies injections or the injured is immediately taken to the hospital for the first aid and administration of anti rabies injection to escape the certain

death.

6. Thus, the Registry is directed to amend the memo or parties as per this order and issue notice to the respondents including the newly added respondents and ensure service thereof through e-mail as well as through dasti process.

7. Adjourned to 12.07.2017.

8. The Registry is also directed to request Advocate General, Punjab, Advocate General, Haryana and the Senior Standing Counsel for the Union Territory, Chandigarh to appear in this case on the date fixed.