

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33796 of 2021

*Dhyaan Foundation*

....

*Petitioner*

Mrs. Sonia Mathur, Senior Advocate  
with M/s. Subha Bikash Panda,  
K. Padhi, T.K. Sahu and M.R. Patra,  
Advocates

-versus-

*State of Odisha and others*

....

*Opposite Parties*

**CORAM:**  
**JUSTICE JASWANT SINGH**  
**JUSTICE S. K. PANIGRAHI**

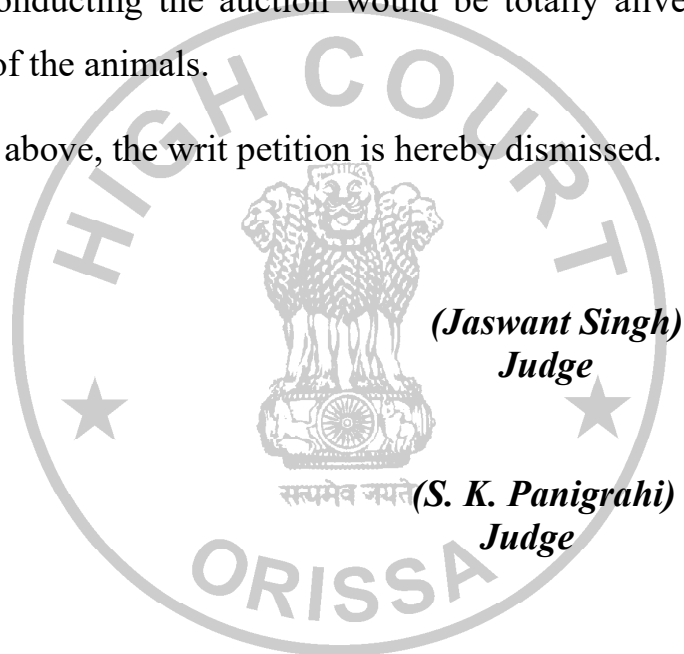
**ORDER**  
**02.11.2021**

**Order No.**

- 02.
1. This case is taken up through hybrid mode.
  2. The petitioner claims to be a registered trust engaged in the activity of rescue, care, treatment and rehabilitation of animals under the provisions of Prevention of Cruelty to Animals Act, 1960 (for short the PC Act, 1960). By way of the present writ petition, it has laid challenge to the auction notice (Annexure-3) for sale of cattle (seven cows with calves) slated to be conducted on 03.11.2021 at 11.30 A.M. in the premises of Biju Pattanaik Open Air Ashram, Jamujhari.
  3. After hearing the learned counsel at length, we find no merit in this petition. It is not disputed that the Ashram is run and operated by the Department of Prisons under aegis of Home Department. The auction is

being conducted of milching cows with calves, which do not amount to cruelty or abandoning the animals so as to attract any penal provision of P.C. Act 1962 or the Orissa Prevention of Cow Slaughter Act, 1960. We are given to understand that in the State of Odisha slaughtering of cows is not permitted. The mere apprehension of the petitioner-Trust that such animals or cows would land in the hands of butchers for slaughtering is not enough to persuade us to invoke our writ jurisdiction. Any such recourse would be amounting to conducting roving and fishing enquiry, which is not permissible in law. We have no doubt that the official authorities conducting the auction would be totally alive to the safety and welfare of the animals.

4. In view of above, the writ petition is hereby dismissed.



*pcd*