

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 05TH DAY OF MAY, 2020/15TH VAISAKHA, 1942

W.P(C) TMP NO.237 OF 2020

PETITIONER

SURESHKUMAR.A.P
AGED 39 YEARS, SON OF P.D.PANKAJAKSHAN,
ATTUPURATH HOUSE,
UDAYAN UDAYAN PERUR PIYO THRIPPUNITHURA,
UDAYAMPOPEROOR P.O, ERNAKULAM DISTRICT PIN- 682307.

BY ADVS.SRI.C.S.MANU &
SRI. S.K.PREMRAJ

RESPONDENTS

- 1 STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO
GOVERNMENT, HOME DEPARTMENT ,
GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM - 695011.
- 2 ADDITIONAL DISTRICT MAGISTRATE AND DEPUTY
COLLECTOR (GENERAL) , COLLECTORATE,
ERNAKULAM, KERALA PIN 682030

R1-2 BY SRI. SHRI. HARISH K P, GOVERNMENT
PLEADER

THIS WRIT PETITION HAVING COME UP FOR ADMISISON ON
05.05.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition has been filed challenging the rejection of Ext.P5 by virtue of which petitioner's request for granting emergency travel pass from Ernakulam to Karunagapally has been denied by the second respondent.

2. The learned Government Pleader, after instructions, submit that in view of the changed circumstances of the lock-down, travel passes can be issued by the Station House Officer of the Police Station within the jurisdictional limits of petitioner's residence. It is also submitted by the learned Government Pleader that since the petitioner is not in possession of a license to possess or open a pet store, there is serious objection from their side.

3. After having considered the facts and circumstances arising in the case, I deem it fit that the animals owned by the petitioner shall not suffer on account of technicalities. It is also submitted by the learned counsel for the petitioner that one of the puppies of the German Shepherd breed, died yesterday due to want of medicines. The animals certainly do have a fundamental right to life and it cannot be prevented under any circumstances

unless situation so warrant. Since there has been a reduction in the rigour of lock-down, I direct the petitioner to approach Station House officer of the Hill Palace Police Station, Tripunithara for the purpose of obtaining travel pass to Karunagapally.

It is needless to state that, if such an application is received by the said Station House Officer, who come under the authority of the first respondent, such a travel pass shall be issued without delay. The petitioner shall also be directed to comply with all the restrictions in accordance with the lock-down regulations. The Writ petition is disposed of.

**BECHU KURIAN THOMAS
JUDGE**

SM

APPENDIX

PETITIONERS EXTS:

EXHIBIT P-1 : TRUE COPIES OF THE PHOTOGRAPHS SHOWING THE PUPPIES OF THE PETITIONER IN HIS DOG FARM / PUPPY FARM AT THE PREMISES OF BUILDING NUMBER 456/13, UNDER THAZHAVA PANCHAYAT

EXHIBIT P-2 : THE INVOICE BEARING NUMBER 3246 DATED 27 APRIL 2020 ISSUED BY COCHIN PETS CENTRE, THRIPPUNITHURA TO THE PETITIONER FOR PURCHASING THE MEDICINES .

EXHIBIT P-2 (A) : THE INVOICE BEARING NUMBER 588 DATED 27 APRIL 2020 ISSUED BY COCHIN PETS CENTRE, THRIPPUNITHURA TO THE PETITIONER FOR PURCHASING DOG FOOD .

EXHIBIT P-3: A TRUE COPY OF THE MEDICAL PRESCRIPTION FOR THE DOGS DATED 27 APRIL 2020 ISSUED BY THE CONSULTANT VETERINARY SURGEON, COCHIN PET CENTRE THRIPPUNITHURA TO THE PETITIONER

EXHIBIT P-4:. A TRUE COPY OF THE ACKNOWLEDGEMENT DATED 27 APRIL 2020 ISSUED BY THE 2ND RESPONDENT

EXHIBIT P-5:. A TRUE COPY OF THE STATUS REPORT ISSUED BY THE SECOND RESPONDENT THROUGH EMAIL TO THE PETITIONER REJECTING HIS APPLICATION FOR EMERGENCY TRAVEL PASS

EXHIBIT P-6: A TRUE COPY OF THE JUDGEMENT DATED 6 APRIL 2020 IN WP(C)TEMP-28 OF 2020 PASSED BY THIS HONOURABLE COURT