

# Reprieve for 'killer' dogs

## High Court grants leave for judicial review of council's decision

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**GEORGE TOWN:** A High Court here has granted leave for two dog owners to seek a judicial review of the Penang Municipal Council (MPPP)'s decision to put their four pitbull-type dogs to sleep.

High Court judge Yaacob Md Sam fixed the hearing of the review on July 5.

With this decision, the dogs now have a temporary respite until the outcome of the hearing.

Justice Yaacob said he granted the leave sought by the owners, Joseph Teoh and his wife Teoh Bee Eng as there was merit in their certiorari application.

Joseph, 42, and Bee Eng, 56, had applied for a certiorari order against the council's decision.

Justice Yaacob also granted the couple an interim stay of the MPPP's decision to cull the dogs.

In his submissions at the *ex-parte* hearing of the application yesterday, the couple's counsel Jerald Gomez said the application was not frivolous or vexatious and was based on merit.

He said the couple were charged and fined in a magistrate's court for not having licences for the dogs.

"They cannot be punished for a second time by having their dogs killed," he said.

Gomez pointed out that Section

15 of the council's by-laws could not be applied as the dogs involved were not strays but belonged to the two individuals.

"The police also stated in newspaper reports that based on their investigation, only one dog was involved in the mauling of the victim and that the other dogs would be returned to the rightful owner.

"Therefore, on what basis, is the council's move to cull the other dogs?" he pleaded.

Senior Federal Counsel Zaruddin Mohd Isa who represented the Attorney-General's chambers said he had received instructions to object to the application but would now require time to get new instructions.

MPPP's legal representative M. Murgan said he had no objections to the application for leave.

Outside the courtroom, counsel Cedric Nigel Miranda, who represented the family of Irish tourist Maurice Sullivan, 51, who was fatally mauled at Teoh and Bee Eng's organic farm on Jan 9, said Sullivan's family had conveyed to him that they only wanted the dog(s) involved in the killing to be put to sleep and for the others to be released to the owners.

Another High Court yesterday also fixed June 21 for the case management of the couple's application for judicial review of the magistrate's court order on April 4 for the dogs to be put down.