

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12617 of 2010

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1. Gram Gaurav Sansthan through Its Secretary, Vijay Shankar Tiwary, son of Late Sri Ram Tiwary, Office situated at Janhwi, M/20, Kankarbagh, Patna-800020
 2. Swami Nath Tiwary son of Late Raj Grihi Tiwary, resident of village - Nainijore, P.S.- Nainijore, District - Buxar

.... Petitioners

Versus

1. The Union of India through Its Director General of Forest, Department of Forest and Wild Life, New Delhi
2. National Board for Wild Life through Its Director Wild Life Preservation, Department of Forest and Wild Life, New Delhi
3. The State of Bihar through Its Agriculture Production Commissioner, Agriculture Department, Bihar, Patna
4. The State Board of Wild Life through Its Chief Wild Life Warden, State of Bihar, Bishwasaraiya Bhawan, 4th Floor, Bailey Road, Patna
5. The Chief Wild Life Warden, State of Bihar Bishwasaraiya Bhawan, Bailey Road, Patna
6. The Joint Agriculture Director (Plant Protection) Bihar, Patna
7. The Collector, Buxar at Buxar
8. The Collector, Bhojpur at Arrah

.... Respondents

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Appearance :

For the Petitioners : Mr. Ram Suresh Roy, Sr. Advocate
Mr. Abhay Kumar Roy, Advocate
For the Respondents: Mr. Lalit Kishoree, Pr. AAG
Mr. Bishwa Bibhuti Kr. Singh, AC to Pr. AAG
For the Union of India: Mr. Ravindra Kumar Sharma, C.G.C.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-02-2015

The grievance of the petitioners is that there is excess population of blue-bulls in their area and the animals are damaging the standing crops in their fields.

It is alleged that though representations are being made to the respondents, no step has been taken to shift those animals and put

them in any natural forest habitat, otherwise petitioners would not have moved this Court for protecting the crops.

Respondents have filed a counter affidavit admitting the fact that there is a considerable population of the blue-bulls. It is stated that on account of the restrictions imposed under the provisions of Wild Life (Protection) Act, 1972 (hereinafter referred to as “the Act”), no harm can be caused to the animals and shifting thereof is a problem.

Heard Mr. Ram Suresh Roy, learned senior counsel for the petitioners, Mr. Lalit Kishore, learned Principal Additional Advocate General for the State and also Mr. Ravindra Kumar Sharma learned counsel for the Union of India.

It is not disputed that on account of increase in the population of blue-bulls, there is a threat to the standing crops in the fields. The petitioners want those animals to be shifted to the protected zones. To give a specific direction for locating and shifting the blue-bulls, is certainly a problem, and even to catching blue-bulls, it is not so easy. However, step can be taken by the State Government and the Central Government and local people to ensure that the animals are driven to a safer place. This Court has issued several directions from time to time, in this behalf. It is also stated that the State Government accorded permission for selective hunting of the

said animals.

We dispose of the writ petition in terms of the said directions. There shall be no order as to costs.

The interlocutory application, if any, shall stand disposed of.

(L. Narasimha Reddy, CJ)

(Vikash Jain, J)

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