

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Public Interest Litigation No.16 of 2015
(Ms. Ankita d/o Kamlesh Shah .vs. The State of Maharashtra, through its
Principal Secretary, Urban Development Department, Mumbai and ors.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders or directions
 and Registrar's orders

Court's or Judge's orders.

Ms. A.K. Shah- Petitioner in Person.
 Mr. M.K. Pathan, AGP for Respondent Nos. 1, 2 & 6.
 Mr. S.N. Kapoor, Advocate for Respondent No.3.
 Mr. S.M. Puranik, Advocate for Respondent Nos. 4 & 5.

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CORAM : B.R. Gavai & Prasanna B. Varale, JJ.
DATED : October 21, 2015.

1. The petition has been filed by the petitioner contending therein that the animals which are confined illegally at the Shelter House at Bhandewadi are not looked after properly and as such the said animals are required to suffer greatly.

2. The petitioner, who appears in person is Social Activist and is concerned with the welfare of the society at large and is specially interested in protecting the interest of the stray animals. Taking into consideration the various aspects of the matter, we had requested the learned Government Pleader to take instructions from the Collector as to what had transpired in the meeting conducted by the Collector.

3. Accordingly an affidavit is filed by Mr. Sachin Sharadchandra Kurve, the Collector of Nagpur, dated 9.10.2015. The perusal of the affidavit would reveal that the Collector, who also happens to be the Chairman of the Committee for prevention of cruelty to animals, has

formed the Committee consisting of Mr. Bhojne, Deputy Commissioner; Mr. Mahalle, Veterinary Officer, Nagpur Municipal Commissioner; Dr. Shambharkar, Live Stock Development Officer and Mr. Dhavle, an independent Member and directed them to submit their report.

4. The perusal of the affidavit would reveal that the said Committee has submitted its report on 14.09.2015. In the said report, the Collector has found that the Animal Shelter at Bhandewadi is situated in an approximate area of 2 acres. It was found that the premises is surrounded by a wall of concrete for safety of the animals. The team also inspected the condition of the animals i.e. stray dogs which are brought to the Animal Shelter upon the complaint made by the citizens. It was found that the ailing animals were immediately taken to the Animal Polyclinic situated at Maharaj Bagh and were given treatment. It was found that if the health of the animals is found to be satisfactory by the Veterinary Officer, the animals are released to their place of origin. The team has further found that the Bhandewadi Animal Shelter is neat and clean and continuous monitoring for the cleanliness of the premises is regularly done by the authorities of the Nagpur Municipal Corporation. The inspecting team did not find any waste material or flies entering into the premises as the dog kennel are entirely covered by a net to deter the flies to come in the kennel.

5. The perusal of the report would further reveal that another team consisting of Dr. Bhojne, Deputy Commissioner, Animal Husbandry, Nagpur; Dr. Mahalle, Veterinary officer, Nagpur Municipal Corporation; Dr.

Giradkar, Assistant Commissioner, Veterinary Polyclinic, Nagpur, was appointed to visit Animal Shelter at Gitttikhadan, Katol Road, Nagpur. In the aforesaid affidavit filed by the Collector, it was found that the said Animal Shelter is run through the N.G.O. and is taking care of the stray dogs as well as private dogs of the citizens. It was found that on the day of the visit i.e. on 26.09.2015, there were about 36 stray dogs with 4 puppies and all of them were in good condition. It was found that dogs owned by private owners were charged @ Rs.250/- by the N.G.O. for their maintenance. However, the stray dogs were treated without any charge. It was further found the the N.G.O. is running hospital and there is ample space for providing shelter to the stray dogs.

6. It would further reveal from the affidavit that the meeting was called on 30.09.2015 and various issues about maintaining the health of the stray dogs in both the Animal Shelters at Bhandewadi as well as Gitttikhadan were discussed. It was found that both the Animal Shelters were run in good condition.

7. The report is vehemently objected by the petitioner appearing in person. She states that the report is biased and as such cannot be relied on.

8. We are unable to appreciate as to how the Collector and the Officers appointed by him from various agencies can be said to be biased against the interest of the stray animals. We find that at some point someone has to be believed. The Collector has no personal interest in the *lis*, so as to give an incorrect report. The Officers appointed by him to visit the Animal Shelters

include the Officers from the different agencies and also the independent members. We are, therefore, satisfied from the report filed by the Collector that both the Animal Shelters are run in satisfactory condition and no interference is warranted by this Court.

9. The petition is, therefore, disposed of by accepting the report filed by the Collector.

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