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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2351 OF 2016

M/s. Jumbo Circus

...Petitioner

Vs.

Animal Welfare Board of India
(Ministry of Environment & Forests)
Government of India & Ors.

...Respondents

Mr. Vishwajit Sawant a/w. Ms. Tanaya Patankar i/b. Mr. Vikram
Pai, Advocates for the Petitioner
Ms. Gulnar Mistry i/b. M/s. K. Ashar & Co., Advocates for
Respondent No.1
Mr. A.M. Sethna, Advocate for the Union of India Respondent No.3

**CORAM : V.M.KANADE &
M.S. KARNIK, JJ.
DATED : 28TH APRIL, 2016**

P.C. :

1. Rule. Rule is made returnable forthwith. Respondent Nos. 1 and 3 waive service. By consent of parties matter is taken up for final hearing.

2. Heard learned Counsel for the Petitioner and the learned Counsel appearing on behalf of Respondent No.1. None appears on behalf of Respondent Nos. 2, 3 and 4 though they are served.

3. The grievance of the Petitioner is that the license issued to the Petitioner for the use of animals in the circus has been suspended for 2 years after the show-cause notice is issued and that too without giving hearing.

4. Learned Counsel appearing on behalf of the Respondent No.1 has raised a preliminary objection regarding the maintainability of this Petition in this Court. She submitted that the notice was served on the Respondent No.1's office in Kerala. Secondly, she submitted that the office of the Respondent No.1 is situated in Chennai. She further submitted that no cause of action, therefore, has arisen in Mumbai or in Maharashtra.

5. On the other hand, Shri Sawant appearing on behalf of the Petitioner submitted that the Petitioner has its registered office in Mumbai. Secondly, he submitted that the Petitioner has entered into a contract of lease of land situated at Kolhapur for the purpose of exhibiting the circus and he further submitted that this Court has jurisdiction to hear and dispose of the petition.

6. We are of the view that since the Petitioner has a registered office in Mumbai and, secondly, since the circus is going to be performed / exhibited at Kolhapur this Court would certainly have jurisdiction to entertain this Petition.

7. Perusal of the show-cause notice dated 30th December, 2013 indicates that Respondent No.1, without ascertaining whether deficiencies stated in the said notice have been cured or not, have passed the order of suspension dated 11th January, 2016 almost after two years. In our view, there is a clear breach of principles of natural justice by the Respondents. We, therefore, set aside the order suspending the license of the Petitioner.

8. We, however, permit the Respondents to again issue a show-cause notice and after taking inspection of the premises and after giving hearing to the Petitioner pass fresh orders in accordance with law. With these directions the Petition is disposed of.

(M.S. KARNIK, J.)

(V.M.KANADE, J.)