

**114+240 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CM-8572-CWP-2019 in/and
CWP-6565-2019 (O&M)**

Date of Decision: 29.05.2019.

Aravali Heights Residents Welfare Association

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Jatinder Nagpal, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana.

Mr. Mukesh Kumar Verma, Advocate,
for respondent No.2.

Mr. B.K. Bagri, Advocate,
for respondent No.3.

Mr. Salinder Kumar Saini, Advocate for
Mr. Harsh Chopra, Advocate,
for respondent Nos. 4 & 5.

JITENDRA CHAUHAN.J.(ORAL)
CM-8572-CWP-2019

The application is allowed as prayed for. Written statement of respondent No.3 along with Annexure is taken on record subject to all just exceptions.

Main case

The petitioner-society seeks a direction to the respondent-Municipal authorities to rescue the flat owners from the terror of 20-25 dogs in the society kept by private respondents.

It is contended that around 1100 families are residing in the petitioner-society. They are aggrieved and disturbed from the terror of 20-25 pet dogs which are roaming freely here and there in the society park, road, corridors, lift area and are creating unhygienic conditions. It has become difficult for the residents to move in the society due to dogs' terror. In this regard, the petitioner had visited the office of Municipal authorities but to no avail.

On behalf of Municipal Committee, Dharuhera-respondent No.3, it is contended that the society is situate within the jurisdiction of Gram Panchayat of village Garhi Mahsri and they have no right to interfere in the jurisdiction of Gram Panchayat. The Gram Panchayat has not been impleaded as respondent.

Considering the fact that the petitioners have a fundamental right to life and of course without any nuisance and the fact that the respondent-Municipal Authorities are bound to provide environment free from fear of dog-bite, the present petition is disposed of with a direction to the respondents to ensure the necessary protection to the residents and to ensure that no further case of dog-bite takes place. All the residents of the society are requested to cooperate with the authorities in their efforts to make the area free from stray dogs.

29.05.2019.

SN

(JITENDRA CHAUHAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No