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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3069/2020
SANGEETA DOGRA Petitioner

Through: Petitioner in person.

Versus

MINISTRY OF ENVIRONMENT FOREST AND CLIMATE
CHANGE GOVERNMENT OF INDIA & ORS Respondent

Through: Mr. Anurag Ahluwalia with Mr.
Abhigyan Siddhant, Advs. for R-1, R-2
and R-3

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HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

08.05.2020

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CM APPL. 10672/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 3069/2020

The petitioner has preferred this petition in public interest to seek the following reliefs:

“B. To Direct Veterinarian Council of India to issue guidelines to field veterinarian and research Institutes and Veterinary colleges of India to designate their role to content spread of Infection in Tiger Reserve.

C. Integrate team of Veterinarians, hydrologist, epidemiologist, veterinary microbiologist, Indian Veterinary Council with ICMR, to implement One Health Program to prevent spread of Zoonotic disease in relation to protect Human-Animals-Environment transmission of zoonotic and other emerging diseases between wild and domestic animals and humans. Environmental protection, research, food safety, and public health.

D. To issue Advisory to Central Pollution Control Board for waste water and sewerage surveillance around Tiger reserve & Human Territory in Red zone.”

We find that the petitioner has not impleaded the Veterinary Council of India as a party respondent, even though she seeks relief directed to the said council. The petitioner also seeks a direction to Central Pollution Control Board. Once again, we find that the petitioner has not impleaded it as a party respondent.

The submission of the petitioner, who appears in person, is that the post mortem report of the Tiger T-21 has not been provided, and she suspects that his death was caused by COVID-19, as transmitted from humans to tigers.

Mr. Ahluwalia, who appears on advance notice, states that the post mortem report of Tiger T-21 is available and it clearly shows that the cause of its death was not COVID-19. He further submits that there is no evidence of any other animal dying with symptoms which would raise suspicion of spread of COVID-19 amongst the animals. He is willing to share a copy of the said report with the petitioner. Mr. Ahluwalia shall provide a copy of that post mortem report to the petitioner through email by tomorrow.

To justify the claim of relief against administrative authorities in a writ petition under Article 226 of the Constitution, the petitioner has to demonstrate failure in performance of duty by the said authorities. In the present case, the petitioner has not pointed out any failure of any of the respondents in the performance of their duties or obligations. It is not for the petitioner to seek to thrust her opinions or views as to how the respondents should deal with the situation as it has emerged, or may be emerging due to the onset of the COVID-19 pandemic. The assumption is that the respondent authorities are equipped with the relevant information and knowledge to take informed decisions, and there is no reason to assume that they are not capable of performing their duties, or that there is lack of intent on their part to take all necessary steps.

The reliefs sought by the petitioner, in our view, have, firstly, no basis and, secondly, we do not consider it necessary, or proper to issue administrative directions in exercise of our jurisdiction to deal with public interest litigations. It is not for courts to administer the functions which are left to be administered by the executive. We also find that the National Tiger Conservation Authority (NTCA) is conscious of the possible spread of COVID -19 amongst the tigers, and the NTCA has already issued a circular dated 06.04.2020 to the Chief Wildlife Warders of all Tiger Range States. The petitioner has placed the same on record as annexure P-2.

In view of the aforesaid, we are not inclined to issue any direction in the matter as sought by the petitioner. The same is, accordingly, dismissed.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MAY 08, 2020

N.Khanna