

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

PUBLIC INTEREST LITIGATION NO.132 OF 2013

JYOTI RAJENDRA THOMBRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.S.S.Chapalgaonkar, Advocate for the petitioner.
Mr.S.J.Salgare, AGP for respondent Nos. 1 to 3.
Smt.R.B.Ghule-Palve, Advocate for Rahata Nagarparishad, Shirdi
Nagar Panchayat, Deolali - Pravara Nagar Palika.
Mr.M.M.Patil-Beedkar, Advocate for respondent No.4.
Ms.Trupti Joshi h/f Mr.V.S.Bedre, Advocate for Shrirampur and
Sangamner Municipal Council.

(CORAM : DIPANKAR DATTA, CJ AND
RAVINDRA V. GHUGE, J.)

DATE : JANUARY 21, 2021

PER COURT:

1. In this PIL petition, relief claimed by the petitioner is two-fold:
[i] direction upon the respondents to take appropriate steps to
control and manage wild cattle/stray cattle and to save lives of
citizens from the attack of such cattle; [ii] direction upon the
respondents to pay ex-gratia compensation to the petitioner for the
unfortunate death of her minor son, who was attacked by stray
cattle.

2. We have heard the learned Advocates appearing for the parties.

3. Provisions exist in the Maharashtra Police Act (sections 89 to 94), as well as the Maharashtra Municipal Council and Nagar Panchayats Act (Chapter XXI), which require the public authorities to take appropriate action in case of cattle straying on the public roads and to penalize even the owner of such cattle or any person connected therewith. In case cattle is found to stray on public roads, a power of seizure is provided. The enactments also provide for sale of such cattle which are seized and are not claimed by the owner or the person concerned, as the case may be.

4. There cannot be any doubt that the statutory provisions are required to be implemented in letter and spirit. If indeed stray cattle have been/are a source of menace for the citizens, it would be the duty of the public authorities to take recourse to the provisions of the aforesaid enactments and deal with the problem appropriately. They are reminded that after all, life of each and every citizen is precious and has to be preserved and no slip in this regard would ordinarily be tolerated.

5. We, therefore, direct that as and when cattle (domesticated/ wild) are found to stray on the public roads, the police as well as the Municipal Authorities shall take appropriate steps in accordance with the aforesaid enactments to prevent any untoward incident as well as to avoid traffic dislocation.

6. Insofar as grant of compensation to the petitioner consequent upon the unfortunate death of her minor child owing to attack by stray cattle is concerned, we are informed that she has been paid Rs.75,000/- as compensation in terms of Government Resolution dated 11/07/2011. The unfortunate incident occurred on 15/08/2011 and, therefore, the said Government Resolution was squarely applicable. The Government Resolution has neither been subjected to any challenge in this writ petition by the petitioner nor has she received the amount of compensation of Rs.75,000/- under protest.

7. In such view of the matter, even though we had expressed our mind yesterday for enhancing the amount of compensation, the matter must be allowed to rest.

8. The PIL petition stands disposed of with the aforesaid directions/

- 4 -

observations. There shall be no order as to costs.

(RAVINDRA V. GHUGE, J.)

(CHIEF JUSTICE)