

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3570/2020

Sarvodaya Go-Shala Charitable Trust, Amboda,
Post Giroli, Tah. Deoli, Distt. Wardha, through its
Secretary Manoj Vasant Panchabhai, R/o Amboda,
Post Giroli, Tah. Deoli, Distt. Wardha.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
Through its Secretary, Agriculture, Dairy
Development, Animal Husbandry and
Fisheries Department, Mantralaya Mumbai-32.
2. The District Collector Wardha,
Civil Lines, Wardha.
3. The Chief Officer, Municipal Council,
Hinganghat, Distt. Wardha.

RESPONDENTS

Shri J.R. Kidilay, counsel for petitioner.
Shri A.M. Kadukar, Assistant Government Pleader for respondent nos.1 and 2.
Shri Anand Deshpande, counsel for the respondent no.3.

CORAM : A. S. CHANDURKAR AND G.A. SANAP, JJ.

DATE : 20TH DECEMBER, 2021.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith. Heard learned
counsel for the parties.

2. The Chief Officer, Municipal Council, Hinganghat in
February-2020 floated a tender inviting bids for sterilization of stray dogs

within the limits of Municipal Council. Pursuant to the bid submitted by the petitioner, it was allotted the work in question by communication dated 08.06.2020. It appears that on account of some representations received by the Chief Officer, the petitioner-Trust was directed to withhold the work in question by the communication dated 17.07.2020. Being aggrieved by this communication, the petitioner has filed the present writ petition.

3. In the reply filed by the Chief Officer, reference is made to the documents submitted by the petitioner and its satisfaction that the petitioner was competent to carry out the work of sterilization. Such report was sent to the Collector. In the affidavit filed by the District Deputy Collector of Animal Husbandry, it has been stated that after scrutinizing the documents submitted by the petitioner it was found that the Trust was registered with the Animal Welfare Board and that it was competent to perform the task of sterilization of stray dogs as per Standard Operating Procedure prescribed.

4. Perusal of the impugned communication dated 17.07.2020 indicates that there was a doubt expressed by the Chief Officer as regards competency of the petitioner to carry out sterilization activity. In view of the contents of the affidavit filed by the Chief Officer as well as the

District Deputy Collector of Animal Husbandry, it is seen that its apprehension now stands satisfied.

On instructions Shri Anand Deshpande, learned counsel for the Municipal Council submits that it would now be permissible for the petitioner to carry out the work of sterilization pursuant to the work order dated 08.06.2020 subject to complying with the Standard Operating Procedure.

5. In view of aforesaid, we find that the order dated 17.07.2020 is liable to be set aside. It is accordingly set aside. The petitioner is free to continue the work of sterilization pursuant to the work order dated 08.06.2020.

6. Rule accordingly. The writ petition is disposed of. No costs.

(G.A. SANAP, J.)

(A.S. CHANDURKAR, J.)

APTE