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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 14 OF 2025

Jitendra Hanmant Kolekar

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Mr. Anjani Kumar Singh with Mukesh Gupta and Neelam Yadav i/b. Raju Gupta for the Petitioner

Mr. O.A. Chandurkar, Addl.G.P. with Ms. G.R. Raghuwanshi, AGP for Respondent - State

CORAM : ALOK ARADHE, CJ. AND
SANDEEP V. MARNE, J.

DATE : 15 JULY 2025

P.C. :

1. Heard the learned Counsel for the parties.
2. In this Public Interest Litigation, the Petitioner is aggrieved by the conduct of Bullock Cart Races in the State of Maharashtra in violation of the decision of the Supreme Court in *Animal Welfare Board of India v/s. Union of India*¹. In addition, the Petitioner has challenged the validity of Rule 10(3)(iii) of the Maharashtra Prevention of Cruelty to Animals (Conduct of Bullock Cart Race) Rules, 2017. The issue raised by the Petitioner is no longer *res integra* and has already been decided by the

1 2023(9) SCC 322

Supreme Court in ***Animal Welfare Board*** (*supra*). In paragraph 47, the Supreme Court held as under :-

“47. However, we direct that the law contained in the Act/Rules/Notification shall be strictly enforced by the authorities. In particular, we direct that the District Magistrates/competent authorities shall be responsible for ensuring strict compliance of the law, as amended along with its Rules/Notifications.”

3. Thus, it is evident that the directions in respect of relief as sought for by the Petitioner in this Public Interest Litigation have already been issued by the Supreme Court. Therefore, no further directions in this regard are required to be issued in this Public Interest Litigation. Needless to state that in case the Petitioner comes across violation of any of the directions issued by the Supreme Court in the aforesaid decision, it will be open for him to bring to the notice of the authorities about the said violation and the authorities would act on the complaint which may be made by the Petitioner.

4. In so far as the issue with regard to validity of the challenge to Rule 10(3)(iii) of the Maharashtra Prevention of Cruelty to Animals (Conduct of Bullock Cart Race) Rules, 2017 is concerned, suffice it to state that the Supreme Court in ***Guruvayoor Devaswom Managing Committee and Anr. v/s. C.K. Rajan and Ors.***² has held that ordinarily this Court should not

² (2003) 7 SCC 546

entertain a Writ Petition by way of Public Interest Litigation questioning the constitutionality or validity of the statute or a statutory rule.

5. Therefore, we do not find any extra-ordinary circumstances in the present case to make the departure from the view taken by the Supreme Court in the aforesaid decision. It is clarified that the issue with regard to validity of Rule 10(3)(iii) of the Act of 2017 is kept open to be agitated in the appropriate proceedings.

6. Accordingly, the Public Interest Litigation is disposed of.

(SANDEEP V. MARNE, J.)

(CHIEF JUSTICE)