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

+ **W.P.(C) 17523/2024**

SAVE INDIAN FOUNDATION

.....Petitioner

Through: Mr. Umesh Sharma, Mr. Vikas Nagwan &
Mr. Ritesh Kaushik, Advocates.

versus

DEPARTMENT OF FOREST AND WILDLIFE & ORS.

.....Respondents

Through: Mr. Rajesh Gogna, CGSC with Mr.
Nishant Sharma, Ms. Priya Singh, Mohd.
Bilal, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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17.02.2025

CM APPL. 9663/2025 (u/S 151 r/w Order IX Rule 6 of CPC, 1908)

1. By way of present application, the applicant/petitioner seeks to set aside the Order dated 15.01.2025 *vide* which the petition was dismissed in default for non-prosecution and to restore the petition to its original number.
2. Having regard to the averments made in the Application, we find the cause shown to be sufficient and accordingly, the Order dated 15.01.2025 is hereby set aside and the petition is restored to its original number.
3. Accordingly, the application is disposed of.

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4. Heard Mr. Umesh Sharma, learned counsel for the petitioner, as well as Mr. Rajesh Gogna, learned Central Government Standing Counsel for the respondent No. 3.
5. Having regard to the proposed order, the requirement for issuing notice to the respondent No. 3-Delhi Police is dispensed with.



6. By instituting the proceedings of this Public Interest Litigation (PIL), the petitioner-Save Indian Foundation raises certain concerns in relation to the distressed birds in the National Capital Territory of Delhi (in short 'NCTD') and has accordingly a prayer has been made in this Petition for issuing directions to the respondents to take immediate action for rescuing such distressed birds.

7. It is stated on behalf of the petitioner that though various instances of birds being in distress, have been noticed and even communicated to the concerned authorities, what has generally been found that both the respondent No. 1-Department of Forests and Wildlife, GNCTD and the respondent No. 3-Delhi Police have expressed their inability or lack of necessary infrastructure/equipment to save such birds.

8. In our opinion, the measures which need to be taken to rescue the distressed birds in NCTD primarily are the responsibility of the concerned Departments viz., respondent No. 1-Department of Forests and Wildlife, GNCTD and the respondent No. 3-Delhi Police. Accordingly, we dispose of the instant petition with the following directions: -

- (i) That the petitioner-Save Indian Foundation shall make an exhaustive representation to the appropriate authorities of respondent No. 3-Delhi Police as also of the respondent No. 1/Department of Forests and Wildlife, GNCTD, not only bringing to their notice such instances raised herein about the birds in distress, but also making suggestions for evolving an appropriate mechanism and for taking such measures as may be required.
- (ii) That once any such representation/application is moved by the petitioner-Save Indian Foundation along with the suggestions, the same shall jointly be considered by the Officials of the respondent No. 1-Department of Forests and Wildlife, GNCTD and the respondent No. 3-



Delhi Police.

(iii) That while considering the prayers/suggestions to be made by the petitioner-Save Indian Foundation in its representation which is to be made under this order, the Officials of respondent No. 1-Department of Forests and Wildlife, GNCTD and the respondent No. 3-Delhi Police shall evolve an appropriate mechanism for taking requisite measures for rescuing the distressed birds in NCT of Delhi.

(iv) That the requisite mechanism under this order shall be evolved after due deliberation on and consideration of the suggestions/prayers to be made by the petitioner-Save Indian Foundation, with expedition say within a period of three months.

(v) That the Officials of respondent No. 1-Department of Forests and Wildlife, GNCTD and Respondent No. 3-Delhi Police while taking decision under this order shall also seek cooperation and consultation with any other expert body, such as Animal Welfare Board of the Government of Delhi.

9. With the aforesaid observations and directions, the present Petition along with pending application, if any, stands disposed of.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

FEBRUARY 17, 2025/s.Sharma