

(2020) 09 DEL CK 0057

In the Delhi High Court

Case No : Criminal Writ Petition No. 1396 Of 2020

Sangeeta Dogra

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Citation : (2020) 09 DEL CK 0057

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ; Prateek Jalan, J

Bench : Division Bench

Advocate : Rajesh Gogna, Akshya, Aakanksha Kaul, Manek Singh, K Sultan Singh, Samar Vijay Singh, Rajat Sehgal, Satya Narayan Vashishth, Anupam S. Sharma, Prakarsh Airan, Harpreet Kalsi

Final Decision : Disposed Of

Judgement

D. N. Patel, CJ

The proceedings in the matter have been conducted through video conferencing.

1. This Public Interest Litigation has been preferred with the following prayers:

"INTERIM PRAYER

It is, therefore, most respectfully prayed that pending final orders this Hon'ble Court may graciously be pleased grant interim relief as the crime is ongoing & this is the instant action shall be granted to hold the unconstitutional process till the matter is Sub-Judiced:

1. Respondent No 2 & 5 may be issued direction to restrain hunting activities of identified private shooters for killing of animals;

2. Respondent 1 may be directed to engage only authorised forest department's authorised skilled person as per provision as per National Tiger Conservation Guidelines

MAIN PRAYER

It is, therefore, most respectfully prayed before this Hon'ble Court may graciously be pleased to:

1. May issue direction to Respondents 1, 4, 3, 6 to file detailed affidavit in regards to hiring weapon services of shooters/hunting enthusiast AND/OR;
2. May issue direction to Respondents 2,5,7,8,9,10 to file detailed affidavit in regards to offering weapon services to shoot animals AND/OR;
3. May Issue direction to Respondents 11,13,14 to reconsider weapon usage guidelines issued in terms of highlighted issue in the petition as weapons misused under sports shooters category and sports shooters as hunting enthusiasts and offering tranquilising service, and hunting of animals;
4. This court may kindly be please to direct respondents 12 to investigate the matter as highlighted with petition in regard to Wildlife Offenses and animals shot dead with Sportcategory weapons, whether weapons and ammunition were brought legally in India and are sold legally by sports shooters and as hunting enthusiast/NGO, those who are on panel of Wildlife or State Board; AND/OR
5. Court may pass any other order which may deem fit".

2. We have heard the petitioner in person and learned counsel for the respondents. It appears that several grievances have been ventilated about the activities of private shooters, engaged by the State authorities for shooting the wild animals, who have allegedly turned maneaters. The list of such private shooters is given at Annexure A-7 to the memo of this writ petition.

3. It is further submitted by the petitioner in person that repeatedly the same set of individuals are being engaged to shoot animals and some of them have a history of being arrested in the past. The petitioner in person submitted that one such person, namely, Mr. Nawab Shafath Ali Khan, stated to be the Secretary of respondent No. 9, was arrested between 1991 to 2005 several times. This submission is, however, not corroborated in the memo of this writ petition.

4. Nonetheless, we direct the respondent authorities to treat this writ petition as a representation and decide the same in accordance with law, rules, regulations and Government policies applicable to the facts of the case. If need arises, they can also give personal hearing to this petitioner. Moreover, if any other details are required from the petitioner, the petitioner shall cooperate with the concerned respondent authorities. While taking a decision, the concerned respondent authorities shall also keep in mind the allegations of this petitioner mentioned in paragraph 3 of this order. Further, we reserve the right of the petitioner to approach the concerned authority, if the need arises, with proper averments, allegations and annexures, in accordance with law.

5. With these observations this writ petition is hereby disposed of.