

(2020) 01 DEL CK 0523

In the Delhi High Court

Case No : Civil Writ Petition No. 7573 Of 2017

Sumita Kapil

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 30-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0523

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Advocate : Akshay Sharma, Sumita Kapil, Vivek Goyal, Dhanesh Relan, Gauri Chaturvedi, Paritosh, Ruchi Jain, Kushal Kumar, Monika Arora, Satyakam

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

W.P.(C) 7573/2017

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

"a. Issue writ /directions to respondents 1 & 4 to protect the petitioner from the stray dogs and pigs.

b. Issue directions to respondents 1, 2, 3 & 4 to provide shelters to the Dogs / Pigs and not let them be subjected to diseases/beatings/death on streets and parks and further establish Dog adoption centers with the help of NGOs.

c. Issue writ /direction to Respondents 2 & 3 to provide perfect environment to the petitioner and further assist the respondent 1& 4 to collect the dogs and Pigs from the Deer Park and surrounding Areas to protective Shelters.

d. Issue writ /direction to restrain Respondents 2&3 from cutting of trees/ prevent cutting of trees and further direct respondent no. 3 to post Guards at all entry and exit points of Deer park.

e. Any other order (s)/direction(s) as this Hon'ble Court may deem fit and proper be also passed in favour of the petitioner."

2. Having heard learned counsel for the respondents and looking to their counter affidavits/status reports filed by the respondents, it appears that as per Delhi Development Authority-respondent no.3, a detailed counter affidavit has been filed and it has been mentioned in paragraph nos. 2, 3 and 4 as under:

"2. At the outset it is submitted that each and every allegation and averments against the answering respondent is false and denied, unless specifically admitted by the answering respondent.

3. That the present matter pertains to protect the petitioner from stray dogs, cows and pigs and further direct the respondents to provide shelter to dogs/pigs and not let them be subjected to diseases/beatings/death on streets and parks and also to provide perfect environment to the petitioner and further assist respondent No. 1 to 4 to gather dogs and pigs from the Deer Park and surrounding areas to protective shelters and further direction to establish dog adoption centres with the help of NGOs and also restrain from cutting down of trees/prevent cutting down of trees and further direct respondent No. 3 to post guards at all entry and exit points of deer park specially in the deer park and Green Park Extension Area."

3. From the aforesaid affidavit, it appears that a joint inspection was carried out of the Deer Park situated at South Delhi. Looking at the steps taken by the respondents, it appears that it cannot be said that Delhi Development Authority is dormant for the grievances ventilated in this petition. On the contrary, several positive steps have been taken by respondent no.3.

4. Similarly, having heard learned counsel for the South Delhi Municipal Corporation and looking to the status report filed by the South Delhi Municipal Corporation, paragraph 3 thereof reads as under:

"DETAILS OF DOGS STERILIZED IN VARIOUS ZONES IN SOUTH DELHI MUNICIPAL CORPORATION (01.01.2018-31.01.2018)

S. No.

NGO

Name of the Zones

South Zone

Central Zone

West Zone

Najaf garh Zone

Total

1

Freindicoes-SECA, Tilangpur Kotla

0

0

911

0

911

2

Freindicoes- SECA, Ghazipur

0

216

0

0

216

3

Freindicoes - SECA, Bijwasan

183

31

0

646

860

4

Animal India Trust, Lajpat Nagar

0

554

0

0

554

5

Animal India Trust, Masoodpur

558

0

0

0

558

6

Sonadi Charitable Trust, Sainik Enclave Najafgarh

13

0

232

228

473

7

Sonadi Charitable Trust, Nangli

0

0

270

142

142

8

Pet Animal Welfare Society, Masoodpur

301

0

0

301

9

Jeevasharam Foundation, Rajokri

13

0

0

67

80

10

Sanjay Gandhi Animal Care Centre, Raja Garden

0

0

88

0

88

11

Krishna Ashram, Satbari

30

0

0

0

30

12

Dr. Brijesh, Mundhela Centre

0

0

0

494

494

Grand Total

1098

801

1501

1577

4977

5. In view of the aforesaid status report, sterilization of 4977 dogs by different

NGOs has already been done. Moreover, it is submitted by the learned counsel for the South Delhi Municipal Corporation that this is a continuous process.

6. Similarly, having heard learned counsel for North Delhi Municipal Corporation and looking to their status report dated 16th August, 2018 presented before this court, specially paragraphs 2 and 3 which read as under:

"(i) FRIENDICOES-SECA, which has centres in Defence Colony, Ghazipur and Tilangpur Kotia

(ii) Sanjay Gandhi Animal Care Centre, Raja Garden, New Delhi

(iii) Krishna Ashram, Kharak Village, Near Satbari

(iv) World Without Suffering Society working at North DMCs Udyog Nagar Peeragarhi centre.

(v) Dr Rajeev Kumar, Veterinary Doctor hired and working at Sector-27, Rohini Stray dogs Sterilization Centre

(vi) Humane Welfare Society, working at Sector-27, Rohini Stray dogs Sterilization Centre.

(vii) Neighbourhood Woof, Mukherjee Nagar, Delhi working at Lucknow Road Timarpur Centre."

The number of stray dogs sterilized and vaccinated against rabies by the North DMC during the last two years is as follows:-

S.No.

Period

No. of dogs sterilized and immunised by the NGOs

1.

01.04.2016 to 31.03.2017

9866

2.

01.04.2016 to 31.03.2017

15171

7. In view of the aforementioned affidavit/status reports of Delhi Development Authority, South Delhi Municipal Corporation and North Delhi Municipal Corporation, it appears that adequate steps have already been taken by the respondents to redress the grievances ventilated in this PIL and they have further assured this Court that they shall continue with the similar steps in future also.

9. In view of these facts, we see no reason to further monitor this case. Hence, this writ petition is hereby disposed of. However, liberty is reserved with the petitioner to move this Court again in case of any difficulty by way of a fresh writ petition with proper averments and annexures.