

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

PIL NO.54/2022

Vijay s/o Shankarrao Talewar and others

-Vs.-

The State of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. F.T.Mirza, Advocate for the petitioners.

Mr. D.P. Thakare, Addl. G.P. for respondent nos.1, 2 and
7.

Mr. S.M. Puranik, Advocate for respondent nos. 3 and 4.

Mr. S.S.Sanyal, Advocate for Intervenor.

Mr. Aradhya Pande, Advocate for respondent no.6.

Mr. Atharva Manohar, Advocate for Intervenor-respondent
no.11.

CORAM : SUNIL B. SHUKRE

AND M.W.CHANDWANI, JJ.

DATE : 14.12.2022

Pursis Stamp No.18/2022

Ms. Ankita Kamlesh Shah is personally present before the Court and she has no objection, if the Vakalatnama is withdrawn by Mr. Sundeep R. Badana as her Advocate. The learned counsel has filed Pursis vide Stamp No.18/2022. Accordingly, Mr. Sundeep R. Badana,

Advocate is discharged as Advocate for Ms. Ankita Kamlesh Shah.

PIL NO.54/2022

2. Shri Bhandarkar, learned counsel submits that only for the purpose of tendering an unconditional apology to this Court, he appears for Ms. Ankita Kamlesh Shah. On the next date, he will file an affidavit of an unconditional apology and for this purpose, he requires some time.

3. The Deputy Commissioner, Municipal Corporation has filed his affidavit tendering unconditional apology in response to the show cause notice issued to him on the last occasion. His affidavit of apology is not happily worded but, we are willing to grant leniency to the Deputy Commissioner - Dr. Gajendra Pandhari Mahalle with the hope that he has realised now the responsibility and duty of his office. The unconditional apology is accepted and the issue of proposed contempt action against him is closed.

4. Mr. Mirza, learned counsel for the petitioners submits that the Commissioner of Police has only issued a Circular directing the Police Stations to take appropriate action in terms of the order of this Court initiating action under Section 44 of the Maharashtra Police Act, 1951. According to him, without publication of notice, no action under Section 44 of the Maharashtra Police Act, can be

taken and, therefore, the issuance of such Circular would not suffice any purpose.

5. We are of the view that unless some information is received by the Commissioner of Police regarding nuisance created by dogs in particular locality, the Commissioner of Police would not be in a position to exercise his statutory powers and this information, if it is credible and disclosing real nuisance, can possibly come amongst others, from the concerned Police Stations. Therefore, we find nothing wrong in issuing the Circular on the part of the Commissioner of Police.

6. Mr. Atharva Manohar, learned counsel for respondent no.11 submits that on the directions of NMC, his organization apprehended four stray dogs and as per further directions of the Corporation, also sterilised three out of four. He further submits that fourth one could not be sterilised, as he is too young and also sick. He further submits that now there is an issue about custody of the four stray dogs. He submits that if permission is granted by this Court to respondent no.11 to either retain the custody of four stray dogs or to give them in adoption to respondent no.11, it would ensure the welfare of these four stray dogs. We are in agreement with the said submission of learned counsel for respondent no.11 and, therefore, we grant permission to respondent no.11, as sought for.

7. We direct the Nagpur Municipal Corporation to

clarify as to whether or not the dogs which have been collared by the Corporation Authorities have been sterilised and if so, whether their ears have been clip pet and/or tattooed and as to whether or not tokens have been issued to those dogs while maintaining the register of such sterilised dogs. We direct the Nagpur Municipal Corporation to place before us the register of sterilisation of dogs on the next date.

Stand over to 4th January, 2023.

JUDGE

JUDGE

Ambulkar.