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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CM-8725-CWP-2020 in/and  
CWP No. 23261 of 2018 (O&M)  
Date of Decision: 08.09.2020

DivyamDhakla

...Petitioner

Versus

Chandigarh Municipal Corporation and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. Sandeep Siwach, Advocate,  
for the petitioner.

Mr. Anand Bishnoi, Advocate,  
For respondent No.1-MC.

Mr. VikasChatrath, Advocate with  
Ms. Priyanka Dalal, Advocate,  
for respondent-U.T., Chandigarh.

**(Presence marked through video conference).**

**ARUN MONGA, J. (ORAL)**

**CM-8725-CWP-2020**

This is an application for preponing the main case, which is pending for 09.12.2020.

For the reasons stated in the application, the same is allowed.

Main case is taken up on Board for hearing today itself.

**Main case**

Simian menace is the grievance herein, caused by the large scale presence of the monkeys in the neighbourhood/vicinity of Shivalik Enclave, Mani Majra, Chandigarh, where the petitioner resides. Petitioner, inter alia,

seeks issuance of a writ in the nature of mandamus directing the official respondents i.e. Municipal Corporation, Chandigarh and the various departments to take appropriate steps to protect the residents from the aforesaid menace.

2. It is pleaded in the petition that in NAC Shivalik Enclave, Manimajra, Chandigarh, the problem of monkey is increasing day by day and the residents of the area are living under the atmosphere of fear. Most of the time residents keep themselves as well as their children in the house and do not venture on roads or parks etc. When the parents board their children to school vans, the monkeys attack children for their tiffins and bottles by snatching the school bags. At times monkeys jump all over the roofs, pelting stones over the people and causing injuries, grievous at times. The residents of the area cannot even dry their clothes since monkeys snatch the clothes and tear them all. The monkey menace is increasing only because of the negligence of the Chandigarh Municipal Corporation.

3. Petitioner pleads that on 05.08.2018, when he was going to his house on his Activa scooter, he was attacked by a monkey. He fell down from his Activa and received injuries. The vehicle of petitioner too was badly damaged. Thereafter, the petitioner, on 06.08.2018, sent a mail to the respondent authorities praying that the area be sanitized from monkeys. But all in vain, as no steps, whatsoever, were taken.

4. Not to give up, petitioner personally approached the respondent authorities also and made them aware about the incident of monkey attack on him. He also asked them as to why no one picks up phone on the helpline number provided by them. However, no answer was forthcoming except false assurances. Hence the instant petition.

5. The matter was earlier heard and speaking for this court, my learned senior brother Jitendra Chauhan, J. passed following order dated 30.05.2019 :-

*“ Learned counsel for respondent No.2 states that a Joint Task Force has been constituted to deal with the Monkey menace in the town. Let the Committee take all effective steps to ensure that all the residents remain safe and the issue is dealt with permanently. Post again on 19.08.2019. The action taken report be placed on record in the meantime. ”*

Pursuant thereto, copy of action taken report/minutes of meeting dated 17.03.2020 of the Joint Task Force, Chandigarh are sought to be placed on record in course of today's hearing by way of an e-mail. Said emailed copy is taken on record, let its original be filed in the Registry as well. Following steps are being taken as per the said report :-

*“ During the meeting, DCF (WL) informed that the reason for monkey menace in Chandigarh is attributed to the garbage problem and feeding to the monkey by the people. The following steps are being taken by the Department of Forests & Wildlife, Chandigarh to further control the monkey menace in the city-*

*1. The Department of Forests & Wildlife, UT Chandigarh has been taking all measures in raising awareness among general public and have published list of guidelines to follow at the Department website i.e. [chandigarhforest.gov.in](http://chandigarhforest.gov.in) under the heads 'How to deal with Monkeys' and have ensured display of various Pamphlets in different Govt. buildings, parks, residential areas, Schools for wider publicity of the cause.*

*2. That Department has been circulating Pamphlets to the general public particularly Resident Welfare Associations, mentioning 'How to deal with Monkeys'. This helps in educating the people about the monkey and its behavior, copy of the Pamphlet.*

*3. Two additional telephone attendants have been engaged in the Wildlife Wing of the department to attend the specific complaints and redressal them by it swiftly on 24x7 basis through dedicated landline no. 0172-2700217. And, we are committed to attend such complaints within 30 minutes, raised at any point of time on any day.*

*4. The Department has specially designed cages to capture wild animals including monkeys which stray into the residential areas. The capturing operations are carried out meticulously. The captured monkeys are then released in Sukhna Wildlife Sanctuary area.*

5. *We have received over dozens Monkey complaint cases and many were successfully rescued to their natural habitats. Number of cage traps has also been increased and these are placed at various monkey complaint hotspots to minimise the public discomforts. It has also led to greater success in successful rescue of these wildlife.*

6. *The Department has also undertaken plantation in many fruit bearing patches and ensured water availability through out the year in almost all patches of forests or forest managed areas so that Monkeys can have a secure habitat with enough food and water. Subsequently, their sighting in the Sukhna Wildlife Sanctuary has also gone up.”*

6. Learned counsel for the petitioner on the lines of case pleaded in petition argues that due to overwhelming and ever increasing population of the monkeys in the said area, the residents are living in constant fear of stepping out of their houses. He submits that the atmosphere has become so hostile and fearing that most of the times residents have to stay indoors. Residents cannot allow their children to play out in the parks or walking area on the road for fear of being attacked by simian herds.

7. Learned counsel for the petitioner, in course of arguments, strenuously insisted on issuing directions to the official respondents on the lines of the action taken in the adjoining State of Himachal Pradesh, where monkeys were declared as the Vermin species. He submits that advantage of declaring them as Vermin is that, it would not invite corresponding action on any resident, in case of self defence, if a resident counter attacks a monkey, which may even result in its getting killed, as long as the same is done in self defence.

9. The aforesaid suggestion, to start killing and/or culling monkeys like vermin, on the face of it, is outrageous, cruel and preposterous, to say the least, given that the monkey menace is self created by the residents and/or the visitors to the adjoining religious establishment, where, invariably the visitors/residents either out of the fondness or by way of religious offerings feed the monkeys. Garbage littering by residents is another contributor. The said action on their part, itself becomes counter protective, inasmuch as, the

monkeys instead of being stable in their natural habitat, in the adjoining Sukhna Forest, end up gathering in and around the said religious establishment/residential colony, owing to easy availability of food. This Court thus is of the opinion that it is self menace, created by the residents/visitors, rather than monkey menace, as termed in the petition.

10. Per aforesaid joint task force report, two full time attendants have already been engaged in the Wildlife Wing of the department to attend specific complaints at 24 x 7 basis through telephone lines. An easy to remember phone number 2700-217 has been assigned. On getting any telephone complaint, prompt action is ensured within 30 minutes thereof, by arriving on the scene of occurrence. Department has got specially designed cages to capture the wild animals including monkeys, which are straying in the residential areas so as to protect the human population from any untoward attack. Captured monkeys are stated to be then released in Sukhna Wildlife Sanctuary area, which is their natural habitat.

11. Having perused the response of the official respondents as well as the report dated 17.03.2020, this Court does not feel that any further action is required other than observing that the official respondents shall remain bound with the action plan as stated in the report, *ibid* and continue taking steps in accordance thereof.

12. In the parting, however, it would not be out of place to direct respondent No.2 to file a supplementary specific action taken report, within a period of 6 months, as to the exact number monkeys that may be rescued in the forthcoming 6 months and then released in their natural habitat/Sukhna Wildlife Sanctuary. The official respondents would also do well if they set up a special monkey sterilisation centre and, take appropriate steps, as one time drive to neuter the monkeys, in case it is found that monkey population is

alarming high enough, so as to be a burden even on the wildlife habitat. A census survey shall have to be then carried out as an essential pre requisite, before carrying out any sterilisation drive.

13. Let a compliance report be filed within a period of six months.

14. An advance copy of the supplementary report to be filed be given to learned counsel for the petitioner as well. After going through the said report, if deemed fit, this Court may either take the writ petition suomotuor alternatively, learned counsel for the petitioner is also at liberty to move appropriate application for the purpose.

15. With these observations, writ petition is disposed of.

**SEPTEMBER 08, 2020**  
vandana/shalini

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No

सत्यमेव जयते

