

\$~13

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

Date of decision: 24th February, 2021

+ **W.P.(C) 2556/2021 & CM APPL.7537/2021**

URVASHI VASHIST & ORS. Petitioners

Through: Mr. Abhik Chimni and Mr. Lakshay
Garg, Advocate. (M:9868442108)

versus

RESIDENTS WELFARE ASSOCIATION & ORS. Respondents

Through: Mr. S.K. Pandey, Mr.
Chandrashekhar Chaklabbi, Mr.
Awanish Kumar and Mr. Anshul Rai,
Advocates for R-1/RWA.
Mr. Niraj Kumar, Sr. Central
Government Counsel for R-2/AWBI.
(M:9810020341)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through video conferencing.
2. The Petitioners, who are three animal lovers, who give care to and feed the street dogs in Sector E Pocket 2, Vasant Kunj, New Delhi, have filed the present petition against the Residents Welfare Association (*hereinafter referred as "RWA"*), which, according to them, is creating hindrances in feeding the street dogs as also in taking care of them.
3. It is submitted by Mr. Chimni, Id. Counsel for the Petitioners that whenever the Petitioners are trying to feed the street dogs, enormous resistance is caused by the local residents. Id. Counsel refers to the various complaints and messages, which have been exchanged between the parties.
4. Mr. S.K. Pandey, Id. Counsel appearing for Respondent No. 1 - RWA,

however, submits that an order dated 18th December 2009, has been passed by a Id. Single Judge of this Court in *W.P.(Crl.) 467/2009* titled *Citizen for the welfare and protection of Animals and Anr. v. State and Anr.*, in respect of taking care of street dogs with consensus by both the parties. He submits that as per the said order, a specified spot is to be identified by the parties and in those identified sites, the street dogs are to be fed by the Petitioners.

5. Mr. Niraj Kumar, Id. Sr. Standing Counsel appearing for the Animal Welfare Board of India (*hereinafter referred as "AWBI"*) submits that he does not have instructions in the matter yet.

6. The order dated 18th December 2009 passed in *Citizen for the Welfare (supra)* reads:

"All the learned counsel appearing before me agree that in each colony of Delhi, AWBI should identify, in consultation with Residents Welfare Association, Area SHO and the Animal Welfare Organization working in that area, the spots/sites which in its opinion should be most suitable for the purpose of feeding dogs. The purpose of feeding dogs is to keep them confined to a particular place, so as to subject them to sterilization/vaccination/re-vaccination, as the vaccination does not last more than one year. To begin with, the Animal Welfare Board shall identify suitable sites in the colonies, subject matter of these petitions, within four weeks from today. It shall also try to cover as many more colonies as it can during that period. Gradually, such sites will be identified in other colonies/localities of the city."

"In the meantime, the Delhi Police will ensure that no harm is caused to the volunteers of Animal

Welfare Organizations feeding dogs in these localities provided that they feed them only during hours to be specified by Animal Welfare Board and provided further that as soon as suitable sites for feeding the 41 dogs are identified, these organizations will feed dogs only on those identified sites and at hours specified by Animal Welfare Board.”

7. A perusal of the above order shows that the court had clearly given directions to AWBI, in consultation with the RWAs, to identify suitable spots/sites in the colonies for the feeding of street dogs.

8. It, however, appears that there has been no consensus in identifying the suitable spot. The RWA appears to have been having apprehensions in view of the fact that children and senior residents also roam around in the open area of the block, for their own recreation. The circular dated 07th December, 2019, issued by the Resident Welfare Association, which is under challenge in this petition, reads as under:

***“IMPORTANT CIRCULAR REG DOG
MENACE***

Dated : 7th Dec 2019

All the residents are hereby informed that a meeting has been arranged to discuss the street dog menace and their patronization by the dog lovers of E2.

You are requested to gather at Gate No.1 at 10.30 AM tomorrow i.e. Sunday 8th Dec 2019 to have the views of the residents and the way to get rid of the menace of street dogs and their excreta. This menace has reached an alarming point because people fear to come out without a stick and many residents

including children have been bitten by these dogs.

RWA is trying it's best to address this issue, please come forward and support the RWA. Without your support RWA can't handle this issue alone as this involves following many guidelines related to animal rights.

Therefore you are requested to assemble in large numbers to participate and show your solidarity against this menace."

9. From a perusal of the said circular, it is clear that the Residents of the area also have grave concerns towards the safety of the children and others who live in the area. The residents and the members of the RWA as also the Petitioners have to act in harmony with each other and not in a manner which shall lead to unpleasant circumstances in the colony. Accordingly, in order to maintain peace and harmony in the locality, the following directions are issued:

1. AWBI shall send two representatives on 8th March, 2021 at 3:00 pm. The said members of the AWBI shall hold a meeting at an appropriate spot in E-2 Block, Vasant Kunj. The said members would intimate the Petitioners as also the RWA office bearers of the said spot through the two counsels who are appearing in the matter today, on their mobile numbers.
2. During the meeting, the members of AWBI and RWA shall interact with the residents in the area as also the Petitioners and identify a spot, which is not used by children, senior citizens and other residents, so that the said specified spot can be used for the

purpose of feeding and taking care of street dogs etc.

3. Once the said spot is identified, the Petitioners would feed and take care of the street dogs at that particular spot, and no hindrance, whatsoever, shall be caused to the Petitioners in carrying out any activities in respect of the street dogs at the said spot.
 4. The SHO of area concerned shall also be present at the time when the meeting would be held between the RWA and Petitioners along with representatives of AWBI. It shall be the duty of the SHO concerned to ensure that peace and harmony is maintained amongst the residents of the area so that no harassment is caused to the Petitioners by RWA and vice versa.
10. Let the concerned SHO be supplied with the copy of this order by the President of the RWA.
11. The present petition and all pending applications are disposed of in the above terms.

PRATHIBA M. SINGH, J.

FEBRUARY 24, 2021/dk/T/Ak