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

+ W.P.(C) 3346/2015, CM APPL. 6001/2015, CM APPL. 38449/2018
& CM Appl. 63421/2024

NYAYA BHOOMI

.....Petitioner

Through: Mr. Sumit Kumar, Advocate

versus

GOVT. OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Santosh Kr Tripathi, Standing
Counsel with Mr. Karn Bhardwaj,
ASC, Mr. Rajat Gaba, Mr. Shubham
Singh and Mr. Saurabh Dahiya,
Advocates for R-1/GNCTD.

Mr. Ajjay Aroraa and Mr. Kapail
Dutta, Advocates for MCD.

Mr. Srinarsha Peechara, Standing
Counsel with Mr. Akshat Kulshrestha
and Mr. D.S. Bhanu, Advocates for
NDMC.

Mr. Percival Billimoria, Sr. Advocate
with Ms. Jasmine Damkewala, Mr.
Saurabh Malhotra, Mr. Prem Sood
Ms. Vaishali Sharma, Mr. Tushar
Bathija, Ms. Rachita Sood and Mr.
Divyam Khera, Advocates for
Impleader/ACGS.

Ms. Esha Dutta, Ms. Shaalini
Agrawal and Mr. Siddharth Pandey,
Advocates for the impleader in CM
Appl. 63421/2024.



(11)

+ W.P.(C) 6914/2015

THE SOCIETY FOR PUBLIC CAUSEPetitioner

Through: Dr. L.S. Chaudhary, Dr. Ajay Chaudhary, Mr. Bharat Chaudhary, Mr. Vikram Singh and Mr. Gaurav Gupta, Advocates

versus

UNION OF INDIA & ANRRespondents

Through: Mr. Rajesh Gogna, CGSC with Mr. Nipun Jain and Ms. Priya Singh, GP for UOI.
Mr. Vikram Chandravanshi, Advocate with Mr. Deepin Deepak Sahni for AWBI.
Mr. Percival Billimoria, Sr. Advocate with Ms. Jasmine Damkewala, Ms. Vaishali Sharma, Ms. Rachita Sood and Mr. Divyam Khera, Advocates for Impleader/ACGS.

(12)

+ W.P.(C) 14560/2024

DHANANJAY SANJOGTA FOUNDATION
THROUGH ITS DIRECTORPetitioner

Through: Mr. Taha Bin Tasnee, Advocate along with Mr. Rahul Bajaj and Mr. Amar Jain, petitioners

versus

DEPARTMENT OF ANIMAL HUSBANDRY
AND DAIRYING & ANRRespondents

Through: Mr. Rajesh Gogna, CGSC with Mr. Nipun Jain and Ms. Priya Singh, GP



for UOI.

Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil) with Mr.
Rishabh Srivastava and Mr. Kartik
Sharma, Advocates for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

25.10.2024

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1. In pursuance to the last order, Ms. Ipshita Mitra, Deputy Secretary, Dept of Empowerment of Personal Disabilities, Dr. Abhijit Mitra, Animal Husbandry Commissioner and Chairman (AWBI) and Dr. Sujit Kumar Dutta, Secretary, AWBI are present. This Court has heard the aforesaid officers.
2. This Court has also heard learned counsel appearing for the parties.
3. This Court is of the view that a person with a disability has a fundamental right to move on the streets of Delhi without the fear of being attacked by stray monkeys and dogs.
4. In fact, Delhi is no longer a safe city for pedestrians with hundreds of rabies bites everyday due to careless attitude of some members of civic society. Is it fair that people should get food from home and feed it to dogs as well as monkeys in public parks and roundabouts making them unsafe for small children, disabled people and elderly? Is it fair that large number of banana sellers should sit right outside city forests and green belts for some citizens to entice monkeys from tree tops and come down to pavements - making them abandon their natural food and instead chase innocent pedestrians for food?



5. This Court takes judicial notice that roadside restaurants, canteens and even ‘ Bhandara’ points outside large government hospitals like All India Institute of Medical Sciences (‘AIIMS’) etc. are leaving huge amounts of left over food on pavements for monkeys and dogs. This has created a dangerous situation for patients and their relatives who are seeing large number of animals attacks and bites.

6. It has also been seen that a lot of ‘self-styled do Gooders’ have created a system of filling their vans with cooked food and they down-load this across the city on pavements, parks, public offices etc. The result is that there are more than two hundred (200) monkeys in many public places - with every day cases of assault and bites on hapless citizens.

7. If Delhi wants to be a world class city - we all must behave like world class citizens. Equally our civic agencies must become more proactive in setting world class ethics and ways of coexisting with urban biodiversity.

8. Consequently, with consent of parties, it is directed that the Chief Secretary, GNCTD shall convene a meeting on 4th November 2024 at 4:30 PM at his office. The meeting shall be attended by the heads of MCD, NDMC, Delhi Cantonment Board, Forest Department (GNCTD), Animal Husbandry Department (GNCTD), Secretary, Animal Welfare Board, Delhi, Ms. Ipshita Mitra, Deputy Secretary, Dept. of Empowerment of Personal Disabilities, Dr.Abhijit Mitra, Animal Husbandry Commissioner and Chairman (AWBI), Dr.Sujit Kumar Dutta, Secretary, AWBI and Mr. Vikram Chandravanshi, Legal Advisor, AWBI, Mr. Percival Billimoria, learned senior counsel, Mr.Rahul Bajaj, Mr.Amar Jain and Ms. Gauri Maulekhi. The Chief Secretary, GNCTD shall be at liberty to call more than one meeting.



9. With the consent of the parties, it is further directed that the monkeys shall be shifted from Delhi to Asola-Bhatti Wildlife Sanctuary, New Delhi. The said directions shall be implemented by the NDMC, MCD, Delhi Cantonment Board and Department of Forest on priority basis. It is clarified that this must be done under supervision of wildlife officers or local animal experts to ensure that there is no instance of undue harm to animals. This Court emphasises that in this case - the animals are paying a penalty for careless and negligent behaviour of us humans.

10. The Chief Secretary, GNCTD as well as Respondents shall file a fresh status report before the next date of hearing. List on 18th November, 2024 at 2:15 PM.

MANMOHAN, CJ

TUSHAR RAO GEDELA, J

OCTOBER 25, 2024

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