

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE SECOND DAY OF AUGUST TWO THOUSAND AND TWENTY
THREE

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

WP (PUBLIC INTEREST LITIGATION) NO: 52 OF 2019, W.P.NO.17445 OF 2019
AND W.P.NO.17448 OF 2019

W.P.(PIL)No.52/2019:

Between:

Srinivasa Rao, S/o. Achaiah

...Petitioner

AND

1. The State of Telangana, rep. by its Principal Secretary, Forest Department, Secretariat Buildings, Hyderabad.
2. The Chief Conservator of Forests, Govt. of Telangana, Aranya Bhavan, Hyderabad.
3. The Telangana Vaidya Vidhana Parishad, Koti, Hyderabad, rep. by its Commissioner.
4. The District Collector, Khammam District at Khammam.
5. The Divisional Forest Officer, Khammam Division, Khammam District.
6. The District Medical & Health Officer, Khammam District at Khammam.
7. The District Social Welfare Officer, Khammam District at Khammam.
8. The Tahsildar, Thirumalayapalem mandal, Thirumalayapalem, Khammam District.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more in the nature of Mandamus, declaring the action of the respondents in not taking any action in pursuance to the Notice/representation dated 07.03.2019 sent through RPAD on behalf of the petitioner seeking to pay compensation for the damage of crops raised in his land in Sy. No. 100/C to an extent of Ac. 0-35 gts., in S.No. 97 Ac. 0-23 gts., in Sy.No. 99 Ac. 2-02 gts. of Tirumalayapalem village & mandal, Khammam District and to take measures for controlling the Monkeys which were damaging the grown up crops and to save the life and limb of the farmers, students and the patients by taking a permanent solution and to pay the compensation for the crops which were damaged by the attack of the monkeys as being illegal, arbitrary and is in violation of principles of natural justice and fair play apart from in violation of Arts. 14 and 21 of the Constitution of India, and consequently direct the respondents to take immediate steps in pursuance to the aforesaid representation/Notice.

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to consider and pass order on the notice/representation submitted by the petitioner on 07.03.2019 forthwith, pending disposal of WP(PIL) No.52 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 01-07-2019 and 13-12-2021 made herein and upon hearing the arguments of M/s. V. BRAHMAIAH CHOWDARY Advocate for the Petitioner, Sri M. Sudharshan, GP FOR FOREST for the Respondent Nos.1, 2 and 5, Sri T. Srikanth Reddy, GP FOR REVENUE for the Respondent Nos.3, 4 and 8, Sri N. Praveen Kumar, GP FOR MEDICAL, HEALTH AND FAMILY WELFARE for the Respondent No.6 and GP FOR SOCIAL WELFARE for the Respondent No.7.

W.P.No.17445 of 2019:

Between:

1. Renuka Regani, W/o. R. Eshwari Prasad
2. N. Kiran Kumar, S/o. N. Neelakantamaiah,
3. Herial Hajee Ahmed, S/o. H.A. Rahman.

Petitioners

AND

1. The State of Telangana, Municipal Administration and Urban Development Department, Secretariat Building, Hyderabad - 500 022 Represented by its Principal Secretary.
2. Greater Hyderabad Municipal Corporation, Represented by its Commissioner, GHMC Office, Lower Tank Bund, Hyderabad - 500 030, Telangana State.
3. The Zonal Commissioner, North Zone, Greater Hyderabad Municipal Corporation, Beside City Civil Court, West Maredpally, Secunderabad - 500 003.
4. The Deputy Commissioner, Circle No.18, Greater Hyderabad Municipal Corporation, Beside City Civil Court, West Maredpally, Secunderabad -500 003.
5. The Chief Veterinary Officer, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad - 500 030.
6. MNKs Vittal Central Court Flat Owners Welfare Association, New Bhoiguda, Secunderabad -500 003, Represented by its President.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order No.305/W-6/TPS/C-18/NZ/GHMC/2017 dated 06-08-2019 of the Respondent No.4 as illegal and unconstitutional;

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant stay of the impugned order No. 305/W-6/TPS/C-18/NZ/GHMC/2017 dated

06-08-2019 of the Respondent No.4, Pending disposal of WP 17445 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and order of the High Court dated 16.08.2019, 22.8.2019 and 21-11-2019 made herein and upon hearing the arguments of Sri Setty Ravi Teja, for Sri Prabhakar Sripada, Advocate for the Petitioners, and Sri Pasham Krishna Reddy, GP for Municipal Administration for the respondent No. 1, and of Sri Chatla Madhu, Advocate for the respondent No. 2 to 5.

W.P.No.17448 of 2019:

Between:

1. Renuka Regani, W/o. R. Eshwari Prasad.
2. N. Kiran Kumar, S/o. N. Neelakantamaiah.
3. Herial Hajee Ahmed, S/o. H.A. Rahman.

Petitioners

AND

1. The State of Telangana, Municipal Administration and Urban Development Department, Secretariat Building, Hyderabad - 500 022 Represented by its Principal Secretary.
2. Greater Hyderabad Municipal Corporation, Represented by its Commissioner, GHMC Office, Lower Tank Bund, Hyderabad - 500 030, Telangana State.
3. The Deputy Commissioner, Circle No.18, Greater Hyderabad Municipal Corporation, Beside City Civil Court, West Maredpally, Secunderabad - 500 003.
4. The Chief Veterinary Officer, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad - 500 030.
5. The State of Telangana, Forests, Environment, Science and Technology Department, Represented by its Special Chief Secretary, Secretariat Building, Hyderabad - 500 022.
6. The Union of India, Ministry of Environment, Forests, Climate Change, Represented by its Secretary, Indira Paryavaran Bhavan, Ali Ganj, Jorbagh Road, New Delhi - 110 003.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents 1 to 4 to construct monkey shelters and detain the stray monkeys in the said shelters.

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents No. 1 to 5 to obtain permission from the Respondent No. 6 to declare the monkeys as vermin and to allow the Respondents 1 to 4 to cull monkey, within the limits of Greater Hyderabad Municipal Corporation, pending disposal of WP 17448 of 2019, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated 02/11/2021 and 10-06-2022 made herein and upon hearing the arguments of Sri Setty Rvi Teja for Sri PRABHAKAR SRIPADA, Advocate for the Petitioners, GP FOR MCPL ADMN & URBAN DEV for the Respondent No.1 and GP for Forest for the Respondent Nos. 5 & 6 and Sri Sampath Prabahkar Reddy, Standing Counsel for GHMC for the Respondent Nos.2 to 4, the Court made the following

ORDER:

Mr. V.Brahmaiah Chowdary, learned counsel for the petitioner in W.P. (PIL) No.52 of 2019.

Mr. Setty Ravi Teja, learned counsel for the petitioners in W.P. Nos.17445 and 17448 of 2019.

Ms. Divya Adepu, learned *Amicus Curiae*.

Mr. M.Sudharshan, learned Government Pleader for Forest, Mr. T.Srikanth Reddy, learned Government Pleader for Revenue, Mr. N.Praveen Kumar, learned Government Pleader for Health, Medical and Family Welfare Department, Mr. Pasham Krishna Reddy, learned Government Pleader for Municipal Administration and Urban Development Department and Mr. Chatla Madhu, learned standing counsel for GHMC for the respondents.

In W.P. (PIL) No.52 of 2019, the petitioner *inter alia* seeks a direction to the respondents to control the monkeys which are damaging grown up crops of the farmers.

In W.P.No.17445 of 2019, petitioners seek a writ of mandamus to respondent Nos.1 to 4 to construct monkey shelters and detain the stray monkeys in the said shelters.

In W.P.No.17448 of 2019, petitioners seek a direction to the Greater Hyderabad Municipal Corporation to construct monkey shelters to prevent them from attacking the people. The petitioners have also sought a direction to respondent Nos.1 to 5 to obtain permission from respondent No.6 to declare monkey as vermin and to allow respondent Nos.1 to 5 to cull monkeys within the limits of Greater Hyderabad Municipal Corporation (GHMC).

In view of commonality of issues involved in these petitions, common order is being passed.

We have heard Ms. Divya Adepu, learned *Amicus Curiae* and learned counsel for petitioners and learned counsel for respondents.

The Wild Life (Protection) Act, 1972 (hereinafter referred to as 'the Act') was enacted with an object to provide for protection of wild animals and birds and for matters connected therewith and incidental thereto. Rhesus Macaque and Bonnet Macaque are most common and widely found species in India

which are listed under Schedule-II, Part-I of the Act. Section 62 of the Act deals with the declaration of certain animals wild to be vermin. Section 62 of the Act enables Central Government by notification to declare any wild animal other than those specified in Schedule I and Part II of Schedule II to be vermin for any such area and for any particular period, the notification is in force. The Central Government from time to time on the recommendations made by the State Government has declared various wild animals like Monkey, Wild Boar and Nilgai as vermin for a specified period in particular States.

The issue whether the wild animals declared as vermin under Section 62 of the Act can be treated as violation of Prevention of Cruelty to Animals Act, 1960 and Articles 14, 21, 48A and 51(g) of the Constitution of India is pending adjudication in W.P. (C) No.673 of 2020 before Hon'ble the Supreme Court.

In view of submissions made by learned *Amicus Curiae* on 10.06.2022, additional counter affidavit has been filed on behalf of the official respondents, wherein it has been stated as follows:

1. Palle Prakruthi Vanams
2. Bruhath Palle Prakruthi Vanams
3. Avenue Plantations
4. Plantations in Encroachment Retrieval areas
5. Block plantations
6. Soil moisture works such as Constructions of Percolation Tanks, Check Dams and Saucer pits
7. Establishment of solar bore wells
8. Monkey Food Courts

However, the issue of animal-man conflict, in the instant case, in relation to monkeys, requires a long term strategy involving all stakeholders. Therefore, we issue the following directions:

1. The State Government shall rope in the expert bodies to comprehensively study the human-wildlife crisis and shall sensitise all the stakeholders as well as local population about human-wildlife conflict.
2. The State Government shall conduct comprehensive monkey census and identify the problem areas/locations.
3. The State Government shall also consider putting up of barriers to protect the crop-fields and solar fencing which is not lethal to the animals but deters the animals from entering the crop fields.
4. The State Government shall consider growing up of the fruit bearing trees in forest areas to carry out re-allocation of monkeys to nearby forest areas while adhering Transportation of Animal Rules, 1978.
5. The State Government shall also undertake training programmes to train personnel involving catching of the monkeys and demarcate the wild areas for the translocation of the monkeys.

6. The State Government shall formulate effective financial compensation schemes to the affected parties due to human wildlife conflict.

7. The State Government shall set up a helpline number and to give it wide publicity to receive information about sick and injured monkeys.

8. The State Government shall formulate a Standard Operating Procedure (SoP) for capture and release of monkeys by the Forest Department, Greater Hyderabad Municipal Corporation and Urban Local Bodies. Such SoP shall also deal with specifications regarding capturing cage.

The official respondents are granted six weeks time to enable them to report compliance with the aforesaid directions.

Insofar as W.P.No.17448 of 2019 is concerned, appropriate orders shall be passed on the report of the *Amicus Curiae* on the next date of hearing.

List on 13.09.2023.

SD/-P. PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Forest Department, State of Telangana, Secretariat Buildings, Hyderabad.
2. The Chief Conservator of Forests, Government of Telangana, Aranya Bhavan, Hyderabad.
3. The Commissioner, Telangana Vaidya Vidhana Parishad, Koti, Hyderabad.
4. The District Collector, Khammam District at Khammam.
5. The Divisional Forest Officer, Khammam Division, Khammam District.
6. The District Medical & Health Officer, Khammam District at Khammam.
7. The District Social Welfare Officer, Khammam District at Khammam.
8. The Tahsildar, Thirumalayapalem mandal, Thirumalayapalem, Khammam District
9. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat Building, Hyderabad - 500 022 Represented by its Principal Secretary.
10. The Commissioner, Greater Hyderabad Municipal Corporation, GHMC Office, Lower Tank Bund, Hyderabad - 500 030, Telangana State.
11. The Zonal Commissioner, North Zone, Greater Hyderabad Municipal Corporation, Beside City Civil Court, West Maredpally, Secunderabad - 500 003.
12. The Deputy Commissioner, Circle No.18, Greater Hyderabad Municipal Corporation, Beside City Civil Court, West Maredpally, Secunderabad -500 003.

13. The Chief Veterinary Officer, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad - 500 030.
14. The President, MNKS Vittal Central Court Flat Owners Welfare Association, New Bhoiguda, Secunderabad -500 003.
15. The Special Chief Secretary, Forests, Environment, Science and Technology Department, State of Telangana, Secretariat Building, Hyderabad - 500 022.
16. The Secretary, Union of India, Ministry of Environment, Forests, Climate Change, Indira Paryavaran Bhavan, Ali Ganj, Jorbagh Road, New Delhi - 110 003 (RR 1 to 16 by RPAD).
17. One CC to M/s. V BRAHMAIAH CHOWDARY, Advocate [OPUC].
18. One CC to Sri Setty Ravi Teja, Advocate (OPUC)
19. Two CCs to GP FOR FORESTS, High Court for the State of Telangana at Hyderabad [OUT].
20. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad [OUT].
21. Two CCs to GP FOR MEDICAL, HEALTH & FAMILY WELFARE, High Court for the State of Telangana at Hyderabad [OUT].
22. Two CCs to GP FOR SOCIAL WELFARE, High Court for the State of Telangana at Hyderabad [OUT].
23. Two CCs to GP for Municipal Admn. & Urban Development, High Court at Hyderabad. (OUT)
24. The Section Officer, Writ (non service) Section, High Court a Hyderabad.
25. One CC to Ms. Divya Adepu, Amicus Curiae.
26. Two spare copies

HIGH COURT

HCJ & TVK,J

DATED:02/08/2023

LIST ON 13.09.2023

ORDER

WP (PUBLIC INTEREST LITIGATION) NO: 52 OF 2019,
W.P.NO.17445 OF 2019 AND W.P.NO.17448 OF 2019

DIRECTION

