

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 54 OF 2022

Vijay S/o Shankarrao Talewar and others
..VS..

The State of Maharashtra & others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. F.T. Mirza, Advocate for Petitioners.
Mr. D.P. Thakare, Additional Government Pleader for Respondent
Nos.1, 2, 6 and 7.
Mr. S.M. Puranik, Advocate for Nagpur Municipal Corporation.
Mr. A.R. Patil, Advocate for Intervenor.
Mr. Sundeep R. Badana, Advocate for Intervenor – Ankita Shah.
Mr. S.S. Sanyal, Advocate for Intervenor.
Mr. A.S. Manohar, Advocate for Intervenor.
Mr. Vikram M. Vishwarupe, Advocate for Intervenor.
Mr. Ashwin Deshpande, Advocate for Intervenor.

CORAM : SUNIL B. SHUKRE AND
M.W. CHANDWANI, JJ.

DATED : 07.12.2022

Heard.

2. The Registry has placed before us a letter received from Deputy Commissioner & Director, Solid Waste Management Department, Municipal Corporation, Nagpur making a request to the Registrar (Administration) to suggest one of the places situated in the premises of the High Court for being designated as a feeding spot for dogs inside the premises of the Hon'ble High Court.

3. This letter has been sent to Registrar (Administration) by the Deputy Commissioner as he appears to have received a letter from Ms. Ankita Kamlesh Shah, Advocate, who is the intervenor in this petition. Copy of the letter sent by Ms. Ankita Kamlesh Shah, Advocate is also annexed to this letter. In the letter written by Advocate Ms. Ankita Kamlesh Shah similar request has been made.

4. The letter sent by Deputy Commissioner of Municipal Corporation, Nagpur and also the letter sent to him by Advocate Ms. Ankita Kamlesh Shah, in our *prima facie* opinion, are contemptuous of the authority of this Court for the reasons that they have been sent in a subjudice matter; there is no provision of law quoted in either of the letters that a right exists in the Nagpur Municipal Corporation to identify High Court premises as a place for feeding dogs; there is no mention in the letter as to whether the stray dogs found to be sometime roaming in the premises of the High Court have been determined by a competent authority to be the residents of the High Court premises; there is no mention in the letter that the said Deputy commissioner has made any scientific effort to identify the real area of ordinary residence of these stray dogs; there is no mention in the letter as to how many such dogs are endemically resident of the premises of the High Court; there is no mention in the letter that the Supreme Court has directed the Nagpur Municipal Corporation to designate High Court

premises as the area proper for Dog Feeding; there is no whisper in the letter that High Court premises, irrespective of they being one of HIGH RISK areas from security view point where threat to security of the High Court lurks in various ways and forms including possibly in the nature of freely scurrying stray dogs, can be identified as Dog Feeding Area, leaving aside all other areas in the entire city of Nagpur; and that there is no mention in the letter that Ms. Ankita Kamlesh Shah has registered herself with Nagpur Municipal Corporation as a registered Dog Feeder and that too for premises of the High Court. If such an effort is allowed to go on, a possibility of mischief mongers playing havoc with High Security Areas such as Vidhan Bhavan, Airport, Air Force establishment, Military establishment, Railway Station, District Court, Atomic Mineral Division establishment and so on is not ruled out. Even the premises of Commissionerate, Collectorate, Office premises of Nagpur Municipal Commissioner, P.W.D. Office, Ravi Bhavan (Circuit House) etc. will be put on notice by the Deputy Commissioner to be ready for being Dog Feeding Areas turning each of them into Office-cum-Dog Feeding Centre. The request letter of Advocate Ms. Ankita Kamlesh Shah, which has been endorsed to by the Deputy Commissioner, Nagpur Municipal Corporation *prima facie* appears to be an attempt at preempting the issue involved in this Petition with a view to drawing some publicity in the matter, and thus, *prima facie*, amounts to interference in administration of justice.

5. The letter dated 01.12.2022 has been sent, as informed by learned counsel for the Corporation, by Dr. Gajendra Mahalle, who is the Deputy Commissioner of Nagpur Municipal Corporation.

6. Accordingly, we direct that show-cause notice be issued to Dr. Gajendra Mahalle and also intervenor Advocate Ms. Ankita Kamlesh Shah as to why contempt proceedings be not initiated against them for attempting to interfere with the administration of justice by this Court.

7. Dr. Gajendra Mahalle is not a party to this petition, though Advocate Ms. Ankita Kamlesh Shah is party to this petition. We direct that Dr. Gajendra Mahalle, Deputy Commissioner, Solid Waste Management Department, Municipal Corporation, Nagpur be made as a party respondent to this petition. Both of them waive notice.

8. The letters in question, which are already taken on record, are marked as documents 'A' and 'B' for identification. Copy of the newspaper report publishing a news item about the documents 'A' and 'B' is also taken on record and it is marked as document 'C' for identification.

CIVIL APPLICATION NO. 915 OF 2022

The application is disposed of as the prayer no longer survives.

CIVIL APPLICATION NO. 931 OF 2022

Heard.

2. For the reasons stated in the application and particularly for the reason that intervenor applicants had challenged order of this Court by filing S.L.P. (C) Diary No. 35297 of 2022, before the Supreme Court, this application is allowed and it is directed that the intevrnor applicants be joined as party respondent by amending the cause title of the petition on or before the next date.

3. The application is disposed of.

4. We find that slowly a trend of filing intervention applications is emerging. But, we would like to state that as the cause espoused in this petition is being supported and assisted adequately and effectively by learned *Amicus curiae* and also learned A.G.P and learned counsel for the respective respondents, there may not be any more need for other persons to come forward and seek intervention in this Petition.

CIVIL APPLICATION NO. 1018 OF 2022

Heard.

2. The applicant – Shri Kutch Gujjar Sanskrutik Avam Samajik Sanstha wants to interven in this petition on the ground that it is a dog lover, interested in providing

square meals to the stray dogs at Bhandewadi Shelter Home. It states that it is appropriate that some procedure is devised by the Corporation to enable it to feed square meals to the stray dogs in an appropriate manner. The object of the applicant is laudable. But, it can be achieved by it by making an application to the concerned authority of Nagpur Municipal Corporation seeking appropriate permission in the matter.

3. We are, therefore, of the view that it is not necessary that the applicant should be joined as a party intervenor inasmuch as an alternate remedy is available to it, which it may avail of. We clarify that if any application as proposed by the applicant is made to the concerned authority, same shall be considered appropriately and decided in accordance with law.

4. We grant liberty to the applicant to approach this Court if its application is not decided appropriately.

5. The application is disposed of.

PUBLIC INTEREST LITIGATION NO. 54 OF 2022

Stand over to 14.12.2022.

(M.W. CHANDWANI, J.)

(SUNIL B. SHUKRE, J.)