



Vartak

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 702 OF 2023

Paromita Puthran .Petitioner
Vs.
The Municipal Corporation of Gr. Mumbai .Respondent

CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 148 OF 2023
(Not on board. Taken on board.)

RNA Royale Park CHSL & Ors. .Petitioner
Vs.
Municipal Corporation of Gr. Mumbai & Ors. .Respondents

Mr. Nishad Nevgi with Ms. Anjali Malekar i/b. Ms. Samaa Shah for Petitioner in WP No. 702/23 and for Respondent No.12 in WP No. 148/23.
Mr. Rahul Sarada with Ms. Nidhi Doliya for Petitioner in WP No. 148/23 and for Respondent Nos.15 to 17 in WP No. 702/23.
Mr. Kunal Waghmare for MCGM.
Mr. Manish Upadhye, AGP for Respondent Nos. 8, 10 to 14, State.

CORAM : G. S. KULKARNI &
R. N. LADDHA, JJ.
DATE : APRIL 24, 2023

P.C.:

1. On the backdrop of earlier orders passed by this Court, we have heard learned counsel for the parties on the present petitions.
2. There appears to be some dispute in regard to the designated feeding areas for the dogs. The details of which are set out in the report of Mr. Abodh Aras, Chief Executive Officer of the organization “The Welfare of Stray Dogs”, who was appointed by this Court to bring about resolution

of the issues as raised in the present proceedings. Mr Abodh Aras had visited the respondent RNA Royale Park Co-operative Housing Society (for short the Society) and on the basis of his observations, he has prepared a report rendering his findings. The report is annexed to the additional affidavit filed on behalf of the petitioner at Exhibit-E, (page 39).

3. Learned counsel for the Society would submit that the feeding Area No.2 and 4 are required to be reconsidered. Feeding Area No.2 concerns six dogs and feeding Area No.4 concerns one dog who has grown old and who is not in the proper state of health. It is stated that this dog due to his health condition does not move from such area. Learned counsel for the Society, on instructions, states that both the issues can be amicably resolved. We leave it to the wisdom of the parties to discuss the issues in regard to feeding Area Nos.2 and 4 and to reach to an amicable resolution to designate appropriate feeding areas in respect of these seven dogs. In so far as feeding areas No 1 and 3 are concerned, there appears to be no dispute.

4. The petitioner intends to provide drinking water to the dogs. In this regard, the parties need to amicably resolve the dispute as it should not be that drinking water is not provided to the dogs. It would be an obligation of the residents of the society to always make provision for adequate water

to be made available to the animals more particularly considering the onset of the summer season.

5. Another concern which is raised before us is in regard to the timings the dogs would be fed, on such issues also, we leave it to the parties to decide the timings the dogs would be fed during the course of the day, however keeping some flexibility in such timings. Let further discussion in this regard happen between the parties in consultation with Mr. Abodh Aras so that an appropriate decision can be taken.

6. The society has filed the companion (Writ petition being Writ Petition No. 148 of 2023) praying for a direction to the Municipal Corporation to take appropriate measures in respect of vaccination, and sterilization of the dogs as also to consider the grievance of the petitioner in respect of any other issues as raised by the petitioner. The Designated Officer of the Municipal Corporation shall hear the parties and take an appropriate decision on all the issues as raised by the petitioner, also considering the views of Mr. Abodh Aras.

7. We may also observe that any complaint of the petitioner in regard to the bouncers being appointed, also need not be gone into, in view of the statement as made by the learned counsel on behalf of the Society that

such persons appointed by the Society were security guards and now female security guards are appointed. We accept such statements as made on behalf of the society. We have also recorded in our earlier order that no bouncers were appointed by the society. Over and above this, if the petitioner has any grievance in regard to any illegality of such security personal or that such persons are in fact bouncers, and if there is evidence to that effect, we leave the petitioner to adopt appropriate proceedings as may be available in law for redressal of her grievances. All contentions of the parties in that regard are expressly kept open.

8. In so far as the Security Guards causing any scare/threat to the animals by using sticks is concerned, we direct the Society to entertain complaints from the petitioner and other members of the society in this regard, so that appropriate action can be taken against such Security Guards who are indulging in such actions. This would be necessary as we are of the clear opinion that such coercive methods would certainly amount to an act of cruelty to the animals. This apart, such methods being used by the Security Guards or any other persons would aggravate the behavior of the animals, apart from inflicting cruelty to the animals.

9. In the above circumstances, we do not intend to delve into any disputed issues of facts as canvassed before us. Thus, further adjudication

of the petitions is not called for. The petitions stand disposed of in terms of the above observations. No costs.

10. At this stage, learned counsel for the petitioner, on instructions of the petitioner who is present in the Court, states that the petitioner would not bring within the premises of the society any new stray dogs. Statement is accepted.

[R. N. LADDHA, J.]

[G. S. KULKARNI, J.]