

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPIL No. 58 of 2019Sanjay Rajak **Versus** State of Chhattisgarh

WPIL/63/2019

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27.02.2020	Mr. Sunil Otwani, Advocate and Mr. Palash Tiwari, Advocate for the petitioners. Mr. Sudeep Agrawal, Additional Advocate General for the State. Mr. Pankaj Agrawal, Advocate for respondent-Municipal Corporation. Mr. B.D. Guru, Advocate and Mr. Vaibhav P. Shukla, Advocate on behalf of Mr. B.Gopa Kumar, Assistant Solicitor General, Mr. Dhiraj Kumar Wankhede with Mr. Mayank Kumar, Advocate for the respective respondents. Mr. Palash Tiwari, learned counsel for the petitioner in WPIL No. 63/2019 submits that various remedial measures can be pursued to avoid or reduce the stray cattle on the road by providing a Radium Collar, ear tagging, horn painting, cow adoption and such other means. It is also possible to enable the Municipality to impose a fine upon the owners of the cattle who turn up to reclaim the cattle captured by the Municipality from the road. The learned counsel appearing for Municipal Corporation submits that a detailed return is being filed in the matter as to the steps already taken and proposed to be taken in this regard. It is stated that sufficient sheds have already been constructed to accommodate the stray cattle and

that the service of the cow catchers is also made available in this regard.

The other local authorities who have been impleaded in the party array are also required to put forth their version, if any, lest orders shall be passed without affording opportunity of hearing to them.

It may also have to be thought about whether any technical device is available to retrieve/ catch the cows standing or laying on the road, apart from service of the cow catchers and who all could be deployed to cause removal of the cattle from the road, so as to protect the life and limbs of the passengers in the vehicles, the pedestrians and also the cattle themselves from being run over by the vehicles.

How to deal with the claims put-forth by the owners of the cattle and to what extent liberty can be granted to the local authorities to deal with the stray cattle on the road, with reference to the quantum of the expense made by the local authorities to look after the cattle till they are reclaimed by the owners, are also the matters for consideration.

Since the rights and liberties of the owners of the cattle are also involved, we find it appropriate to direct the respondent-State to cause a paper publication as to the pendency of these matters and if anybody being the owners of the cattle or interested in the cause may appear before this Court, atleast in representative capacity and to air their views. The above publication shall be effected in a leading Daily having circulation in all the Districts in the State as expeditiously as possible within 2 weeks and the matter be listed for further consideration after four weeks. Registry shall take necessary steps and issue the notice to be published as above.

The version of the respondents shall be brought on record in the meanwhile and all the parties are at liberty to make their suggestions/ recommendations in writing to deal with the issue.

Post it after four weeks for further consideration.

Sd/-

(P.R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge