

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 5728/2019

Sanjay Bazaar Vyapar Mandal Samiti

----Petitioner

Versus

Principal Secretary Department Of Local Self

----Respondent

Connected With

D.B. Civil Writ Petition No. 446/2015

Suo Moto

----Petitioner

Versus

State Of Raj And Ors

----Respondent

D.B. Civil Writ Petition No. 21797/2017

Suo Motu

----Petitioner

Versus

Jaipur Municipal Corporation and ors

----Respondent

D.B. Civil Writ Petition No. 26359/2018

Shri Mahavir Prasad Jain Son Of Late Shri Gainda Lal Jain

----Petitioner

Versus

State Of Rajasthan

----Respondent

For Petitioner(s)	:	Mr. Vimal Choudhary with Mr. Yogesh Tailor, Mr. A.K. Bhandari, Sr. Advocate, Mr. Anant Kasliwal, Mr. Vaibhav Kasliwal, Ms. Charu Pareek, Amicus Curiea in CWP No.21797/2017, Mr. Pradeep Choudhary, Mr. Anupam Bhargava for Mr. Ashish Kumar Singh
For Respondent(s)	:	Mr. R.D. Rastogi, with Mr. Ashish Kumar, for Nagar Nigam, Mr. Anil Mehta, AAG, Mrs. Naina Saraf, Mr. Sahir Hussain, Mr. Atishay Jain, Mr. S.S. Shekhawat

**HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA**

Order

30/09/2019

This Court on 22.05.2019 passed a detailed order with regard to stray cattle left in the street after they become unproductive. The Court appointed Shri Pradeep Choudhary and Shri Ashish Kumar Singh, learned Advocates of the Court, as Court Commissioners, and requested them to visit the City during day time as also night time and submit their report, preferably with photographs, as to the availability of stray cattle including cows and dogs and give the approximate number and place of their concentration and the frequency of their visit to the busy roads and market place in the City. They were also required to identify the private dairies being run in the City of Jaipur and give their exact location and number of cattle therein. The respondent-State was directed to provide police help in case any obstruction is created in discharge of their duties. It was directed that on being informed by the Court Commissioners, the officer of Nagar Nigam, Jaipur shall accompany them to the place of visit. The Chief Executive Officer, Nagar Nigam, Jaipur was directed to undertake a special drive to catch stray cattle, which are mostly cows and oxen found roaming in the city and shift them to a Gaushala.

When the matter was listed on 17.07.2019, the Court Commissioners filed their detailed report of survey. The Municipal Corporation, Jaipur, was directed to immediately remove such stray cattle from the area indicated in the above survey to any Gaushala, the work, which will be supervised by the Chief Executive Officer himself. The Commissioner of Police, Jaipur was directed to provide the police help to the team deputed by Nagar Nigam for carrying out this task.

Thereafter, when the matter was listed on 05.08.2019, the Court was informed on behalf of Nagar Nigam Jaipur that 306 cattle were caught from different parts of the city and were lodged with 'Hingonia

Gaushala' and that the Municipal Corporation, Jaipur, shall continue to undertake this drive on the basis of the survey reports submitted by both the Court Commissioners. It was also informed by Mr. R.D. Rastogi, learned Senior Counsel, that though the licenses for dairies and other cattle in the municipal areas are required to be obtained from the Municipal Corporation as per Section 247 of the Rajasthan Municipalities Act, 2009, but the State Government in exercise of its powers under Section 337 of the Act, has so far not framed the Rules. Mr. R.D. Rastogi, learned Senior Counsel, also suggested that despite the orders passed by the State Government and alternative sites provided by the Jaipur Development Authority, if any illegal dairy was operating in the city area, such dairies were required not only to be removed but their water and electricity connections are also required to be discontinued. The Commissioner of the Municipal Corporation was directed to serve notice to dairy owners for removing the dairies within 10 days of notice. If despite that, dairies are not removed, he shall have all the cattle removed to the 'Gaushala'. The Commissioner was also to give information to the concerned officer of the Jaipur Vidyut Vitaran Nigam Limited (JVVNL) as also the Public Health Engineering Department (PHED) for discontinuing electricity and water supply to the dairies. However, according to statement of Mr. R.D. Rastogi, Sr. Advocate, total 1600 stray cattle has so far been caught and sent to Gausala.

When the matter was listed before the court on 28.8.2019, it was informed that the efforts for implementing the Courts order and for removal of the cattle from illegal dairies or from public places, has not met with desired success; one of the stumbling block is the lack of security provided to the municipal employees. In this regard, it was directed that they should contact the police authorities who were

directed to provide them adequate security to ensure that the task is completed in accordance with the orders of this court.

This Court after remand of matter from the Supreme Court vide order dated 16th October, 2015, on recommendation of high powered committee constituted on 09.09.2015 identified four issues which are required to be addressed concerning the city of Jaipur: (i) Cleanliness of the city; (ii) Traffic Management; (iii) Provision of public utilities; and (iv) Parking. Subsequently, this Court by order dated 05.12.2018 added two more issues to the aforesaid four issues regarding stray cattle and encroachment. As far as the issue of stray cattle is concerned, this Court has passed several orders but with regard to (i) cleanliness of the city; (ii) Traffic Management; (iii) Provision of public utilities; and (iv) Parking, no order has so far been passed except one passed on 22.05.2019 about traffic hazard against the backdrop of accident which took place at the JDA Road crossing.

Today, Mr. Anil Mehta, learned Additional Advocate-General submits that Government is already examining the aspect of the matter regarding framing rules in terms of powers under Section 337 of the Act and on the next date he shall file appropriate response. We direct the Commissioner of Police to provide police protection to the various teams of Municipality. The respondent Municipal Corporation shall take firm steps for removal of dairies identified by the learned Court Commissioners who produced reports, and submit on affidavit the compliance with regard to removal and discontinuation of water and electricity supply to such dairies by Jaipur Vidyut Vitaran Nigam Limited (JVVNL) as also the Public Health Engineering Department (PHED).

There are some other PILs pending on the issue of road traffic. We direct the High Powered Committee constituted as aforesaid to file

report as to what action has taken place on the issue of cleanliness of the city, (ii) Traffic Management; (iii) Provision of public utilities; and (iv) Parking.

Name of Mr. Pradeep Choudhary and Mr. Ashish Kumar Singh be shown in the cause list.

Mr. Vimal Choudhary submits that he has filed an application for initiating proceedings against those who are obstructing the implementation of court's order. Copy of such application be provided to counsel for the State and Municipal Corporation, Jaipur.

In future, the D.B. Civil Writ Petition No. 446/2015, Suo Motu Vs. State of Rajasthan & ors., should be listed as the first case and the D.B. Civil Writ Petition No. 5728/2019, Sanjay Bazaar Vyapar Mandal Samiti Vs. Principal Secretary, Department of Local Self Government & ors., should be listed after D.B. Civil Writ Petition No. 26359/2018, Shri Mahavir Prasad Jain Vs. State of Rajasthan.

List the matter on 5.11.2019 along with DB CWP Nos. 15209/2019, 7595/2019 & 6775/2018.

(NARENDRA SINGH DHADDHA),J

(MOHAMMAD RAFIQ),Acting CJ

BRIJ MOHAN GANDHI /77/66-69

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