

ITEM NO.3

COURT NO.1

SECTION PIL

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.440 OF 2000

GEETA SESHAMANI

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

[With appln(s) for impleading party, impleading party, directions, impleading party,
directions, clarification/modification of court's order, exemption from filing O.T. and
with office report] (For final disposal)

WITH

W.P(C) NO.508 of 2002

Date: 14/02/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s)

Mr. P.K. Manohar, Adv.

Mr. N. Ganpathy, Adv.

For Respondent(s) Mr. Shreekant N. Terdal, Adv.

AWBI Mr. Raj Panjwani, Adv.
Mr. Vijay Panjwani, Adv.

Assam Mr. Riku Sarma, Adv. for
M/s. Corporate Law Group, Adv.

Mr. Rajeev Sharma, Adv.

Ms. Kamini Jaiswal, Adv.

Manipur Mr. Khwairakpam Nobin Singh, Adv.
Mr. S. Biswajit Meitei, Adv.

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Mr. David Rao, Adv.

Mr. Radha Shyam Jena, Adv.

WP(C)No.440/2000 etc. Contd.

T.N./Pondicherry Mr. V.G. Pragasam, Adv.
Mr. S. Vallinayagam, Adv.
Mr. S. Prabu Ramasubramanian, Adv.

Bihar/Tripura Mr. Gopal Singh, Adv.
Mr. Ritu Raj Biswas, Adv.
Mr Ankul Raj, Adv.

Gujarat Ms. Hemantika Wahi, Adv.
Ms. Shivangi, Adv.

Mr. Anil Nag, Adv.

Goa

Ms. A.Subhashini, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Kamlendra Mishra, Adv.

NCT of Delhi

Mr. Vikas Singh, ASG

Mr. Ashok Bhan, Adv.

Mr. T.A. Khan, Adv.

Mr. D.S. Mahra, Adv.

Mr. D.S. Mahra, Adv.

Ms. Sunita Sharma, Adv.

Maharashtra

Mr. S.S. Shinde, Adv.

Mr. V.N. Raghupathy, Adv.

Chhattisgarh

Mr. Rajesh Srivastava, Adv.

Ms. Suparna Srivastava, Adv.

Ms. Nidhi Minocha, Adv.

Mr. Anis Suhrawardy, Adv.

West Bengal

Mr. Tara Chandra Sharma ,Adv

Ms. Neelam Sharma, Adv.

Mr. Mohanprasad Meharia, Adv.

Mr. Punit Dutt Tyagi, Adv.

Nagaland

Mr. U. Hazarika, Adv.

Mr. Satya Mitra, Adv.

Ms. Sumita Hazarika, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. R. Ayyam Perumal, Adv.

WP(C)No.440/2000 etc. Contd.

Mr. Rajesh Prasad Singh, Adv.

Mr. Rakesh K. Khanna, Sr. Adv.

Dr. Rashmi Khanna, Adv.

Mr. Surya Kant, Adv.

Ms. Shailja Sinha, Adv.

Ms. Jahanvi Worah, Adv.

Mr. Ambhoj Kumar Sinha, Adv.

Mr. Annam D.N. Rao, Adv.

Mr. A.S. Rawat, Adv.

Mrs.D. Bharathi Reddy, Adv.

Rajasthan

Mr. Aruneshwar Gupta, Addl.Adv.Gen., Rajasthan

Mr. Naveen Kumar Singh, Adv.

Mr. Mukul Sood, Adv.

Mr. Shashwat Gupta, Adv.

Ms. Shikha Tandon, Adv.

Mr. K.R. Sasiprabhu, Adv.

MCD

Mr. Sanjiv Sen, Adv.

Mr. Praveen Swarup, Adv.

Mrs. Anil Katiyar, Adv.

Mr. L.N. Rao, Sr. Adv.

Mr. C.D. Singh, Adv.

Mr. Merusagar Samantaray, Adv.

A.P.

Mr. Manoj Saxena, Adv.

Mr. Rajnish Kr. Singh, Adv.

Mr. Rahul Shukla, Adv.

Mr. T.V.George, Adv.

Mizoram

Mr. K.N. Madhusoodhanan, Adv.

Mr. R.Sathish, Adv.

Ms. Rachana Srivastava, Adv.

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Mr. Subramonium Prasad, Adv.

H.P.

Mr. J.S. Attri, Addl.Adv.Gen.

Mr. Ratan Kumar Choudhuri, Adv.

Mr. Kuldip Singh, Adv.

Mr. R.K. Pandey, Adv.

Mr. Sanjay Katyal, Adv.

Mr. T.P.Mishra, Adv.

WP(C)No.440/2000 etc. Contd.

Kerala

Mr. G. Prakash, Adv.

Mr. Beena Prakash, Adv.

U.P.

Mr. Anuvrat Sharma, Adv.

Mr. Sanjay Kumar Singh, Adv.

Jharkhand

Mr. B.B. Singh, Adv.

Mr. Kumar Rajesh Singh, Adv.

Sikkim

Mr. A. Mariarputhm, Adv.

Ms. Aruna Mathur, Adv. for

M/s. Arputham Aruna & Co. Advs.

UPON hearing counsel the Court made the following

O R D E R

Heard counsel for the parties.

2004, 250 Pursuant to the order passed by this Court on 30th April
in monkeys caught by the civil agencies in Delhi, kept in captivity
shelters
n for were ordered to be handed over to the Madhya Pradesh Administratio
releasing them in the forest area of the State. As an interim measure, a sum
of Rs.25 lakhs was also ordered to be paid by the Government of India to the
State of Madhya Pradesh for meeting the expenses for creating natu
ral
habitation for those monkeys. Thereafter, on an application seeking release
of 243 monkeys (the number of which had increased to 300) under the custody
of NCT of Delhi, this Court passed an order on 10th October 2006 directing
Madhya that those monkeys be handed over to the Chief Wildlife Warden,
Pradesh.

The State of Madhya Pradesh has now filed an I.A. being I.A.No.9 in

W.P.(C)No.440 of 2000 stating that the aforementioned monkeys are creating problem and the administration is not in a position to create a better shelter for these monkeys. It is also alleged that these monkeys have trespassed into areas having human habitation and creating mischief and nuisance for the local people and, therefore, the Chief Wildlife Warden, Madhya Pradesh is not in a position to provide shelter to any number of monkeys.

Counsel for the Animal Welfare Board of India (AWBI) submitted that these 300 monkeys which are now in the captivity of WP(C)No.440/2000 etc. Contd.

NCT of Delhi may be released in Bhati Mines area of Delhi where there is

forest growth and these monkeys would find better shelter and natural food.

Counsel for the NCT of Delhi submitted that such possibilities have not so far been explored by the administration. We are told that on similar issue the

High Court of Delhi has already entertained a public interest litigation being

Writ Petition No.2600 of 2001 and the NCT of Delhi is also a party thereto.

NCT of Delhi is hereby directed to seek appropriate directions from the High

Court of Delhi in this regard and take a final decision as regards these 300

monkeys are concerned.

So far as the monkey menace in Delhi is concerned, except the above directions, no further order is necessary in this case.

In view of the above order, I.A.No.9 stands disposed of.

This Court on 17th March 2005 had passed an order regarding the implementation of the proposed action plan for preventing cruelty on animals.

While some of the States have filed response, response from other States is still awaited. We, therefore, direct the States, which have not filed response so far, to file response within a period of six weeks from today so that

modalities for a viable solution can be worked out. For this limited purpose the writ petitions be posted on 27th April 2007.

Counsel for AWBI has submitted Suggestions in compliance of this Court's Order dated 10th October 2006. Copy of the Suggestions will be supplied by the petitioner to the Standing Counsel representing each State.

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(Subhash Chander)

(Veera Verma)

Court Master

Court Master