

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

Petition(s) for Special Leave to Appeal (Civil) No(s).17039/2010

(From the judgement and order dated 12/03/2010 in CWPIL No. 3/2009  
of The HIGH COURT OF H.P AT SHIMLA)

MUNICIPAL CORP.SHIMLA

Petitioner(s)

VERSUS

HIGH COURT OF HIMACHAL PRADESH & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 09/07/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Anil Nag,Adv.  
Mr. Abhilash Nag,Adv.  
Mr. Akshay Ghai,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Having heard learned counsel for the petitioner and carefully scrutinised the records, we are convinced that the impugned order passed by the Division Bench of the High Court does not suffer from any legal infirmity warranting interference under Article 136 of the Constitution.

The High Court had taken suo motu cognizance of the menace of stray dogs in the tourist city of Shimla and after elaborate consideration of the matter, given the following directions:-

1. We direct respondent No.2-Municipal Corporation, Shimla to ensure that the Shimla

2

town is made free from stray dogs within a further period of six months.

2. The Commissioner, Municipal Corporation, Shimla shall be personally liable to implement direction No.1. Appropriate proceedings will be initiated against him, if he fails to implement direction No. 1 in letter and spirit.

3.Respondent No. 2 is directed to provide dogs' Pounds/Shelters/Kennels within a period of six months from today. Respondent No.2 is further directed to ensure that all the stray dogs in Shimla town are sterilized as per the procedure.

4.Respondent No. 1 is directed to provide necessary funds as indicated hereinabove, for the purpose of establishment of dogs'

Pounds/Shelters/Kennels within a period of one month from today.

5.A sum of Rs. 1 lac deposited in the Registry of this Court is directed to be released in favour of Master Arnav Mazta son of Sh. Yashwant Mazta resident of Padam Niwas, Dhingu Bawdi, Sanjauli, Shimla within a period of three weeks from today. This amount shall be kept in fix deposit till the boy attains the age of majority.

Since the petitioner which is entrusted with the task of ensuring that stray dogs do not become menace for the public failed to take adequate measures, the directions given by the High Court cannot be faulted. In our view, the impugned directions are in public interest and there is no valid ground to interfere with the same.

With the above observations, the special leave petition is dismissed.

( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master