

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

SUO MOTO PUBLIC INTEREST LITIGATION (STAMP) NO.10566 OF 2020

THE REGISTRAR (JUDICIAL), HIGH COURT OF BOMBAY, BENCH AT
AURANGABAD.

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Shri D.R.Kale, Government Pleader for the State of Maharashtra.
Shri S.G.Chapalgaonkar, Advocate for the Aurangabad Municipal
Corporation.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th April, 2020

Per Court:

1 This matter is taken up through Video Conferencing by Zoom App during the nationwide lock-down on account of COVID-19 pandemic.

2 This Court had an occasion to read a news report published by the Lokmat News Network in "Hello Aurangabad" of it's "Dainik Lokmat", Aurangabad edition dated 15.04.2020. This news report pertains to the alleged callousness, negligence and lack of sensitivity by the employees of the Forest Department while capturing a leopard at village Thergaon, Taluka Paithan, District Aurangabad, resultantly causing it's death.

3 The news report indicates that the leopard could not be tranquilized by darts and was physically captured with the use of nets. After he was physically captured, there was no necessity to tranquilize

him, though this was subsequently done. In order to rehabilitate the leopard in natural surroundings, the employees of the Forest Department carried him to the Gautala Forest area, which is on the Aurangabad-Kannad Road within the limits of Kannad taluka. However, the leopard was found to have died before he was released in natural surroundings and was, therefore, subjected to postmortem. The veterinary expert Dr.Vijay Rahate noticed that some of the employees of the Forest Department had stepped on the neck of the leopard in their attempt to immobilize him and this caused asphyxiation (suffocation) leading to the death of the leopard. This incident cannot be taken lightly.

4 The copy of the newspaper "Dainik Lokmat" dated 15.04.2020 with "Hello Aurangabad" edition is taken on record and is marked as "X" for identification.

5 Considering the above, this Court finds it appropriate to take suo-moto cognizance of the Lokmat news report and appoint Shri Chaitanya V. Dharurkar, practicing advocate at Aurangabad, as an Amicus Curiae. Shri Dharurkar shall endeavour to take appropriate steps for drafting a proper Public Interest Litigation petition in view of this order and which shall be filed on or before 27.04.2020. The matter would be listed in the urgent hearing category on any date on or after 28.04.2020 when this Court would conduct the hearing of matters keeping in view the restricted hearing of urgent cases due to COVID-19.

6 Shri Dharurkar is at liberty to take assistance of the correspondent of the Lokmat News Network, who is responsible for publication of the news item along with such other persons, who may be connected in this incident, while drafting the petition.

7 Since the Municipal Corporation, Aurangabad has its Animals' Zoo at Siddharth Udyan and a Government Veterinary facility, it shall be impleaded as a respondent along with the Forest Department and such other parties as the Amicus Curiae may find it appropriate. The reason for impleading the Aurangabad Municipal Corporation is to take assistance of the veterinary doctors, who are in-charge of health issues of animals in Siddharth Udyan zoo and the expertise of their veterinary doctors could be utilized while dealing with this case of causing death of a leopard.

8 Since the Municipal Corporation, Aurangabad is being arrayed as one of the respondents, I requested Shri Santosh G. Chapalgaonkar, learned advocate, to cause an appearance on behalf of the Municipal Corporation as he is empaneled on the panel of advocates for the Municipal Corporation and was available in the Court today. The Municipal Commissioner is directed to forthwith take into his custody all such documents/ papers/ photographs/ postmortem report and such other documents in connection with the death of the said leopard, from the Chief Conservator of Forest Shri Prakash Mahajan. He shall personally

have two sets of documents prepared from such original set in his custody. He shall depute a responsible officer with the original documents and two sets prepared, preserved in a sealed envelope, to be delivered to the Registrar (Judicial) of the Bombay High Court, Bench at Aurangabad unfailingly by 03:00 pm on 16.04.2020 (tomorrow).

9 The learned Registrar (Judicial) shall open the envelope in the presence of the deputed officer of the Municipal Corporation and shall compare the two sets of documents with the original set of documents. Upon being satisfied, the Registrar (Judicial) shall return the original set of documents in a sealed envelope to the concerned deputed officer of the Municipal Corporation, to be delivered to the Municipal Commissioner. Insofar as two sets of documents are concerned, the Registrar (Judicial) shall handover one set to Shri Dharurkar, learned advocate, for drafting and filing the Public Interest Litigation petition, which shall form a part of his petition. The second set would be preserved.

10 Shri Dharurkar is also called upon to take up the issue of a crematorium for animals and livestock since it is learnt from Shri Chapalgaonkar that the Municipal Corporation has conceptualized the setting up of such crematorium in Padegaon area.

11 Parties to act on a printout copy of this order taken from the official website of the Bombay High Court.

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(RAVINDRA V. GHUGE, J.)