

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS ON THE 07TH DAY OF August, 2002

PRESENT

THE HON'BLE MR. N.K. JAIN, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE V.G.SABHAHIT

Writ Petition No. 37359 OF 2001(GM-RES-PIL)
C/w WP No. 1970/2001(LB-RES)

BETWEEN: (W.P.No. 37359/2001)

- 1 Stray Dog Free Bangalore
Office at No 50, 8 B Main,
IV C Block, Keramangala,
Bangalore, Rep By Secretary
C Dhanjay.
- 2 G. Rajappa.
S/o. Late Gududappa,
C/o Krishnappa, No 68, Near
Aladamara, Bernal Hospital,
G M Palya, Bangalore.
- 3 Hedwig Michael Rigo,
64 Yrs, R/O 21, Race Course,
Crescent, Bangalore.
- 4 Richards Town Citizens Association
No 4, Rogers Road, Richards Town
Bangalore, Rep By Sec
M. Swarupa Rani.
- 5 The Defence Colony Residents
Association, No 15, 1 Main Road
Defence Colony
Indiranagar, Bangalore
Rep By Sec
T. V. Ranganathan

- 6 **Bangalore East Swabhimana Trust**
No Lazar Road, Richards Town,
Bangalore, Rep By Its Sec
S. Madhan Gopal.
- 7 **Bangalore Environment Trust**
Chartered Cottage, A 1
166 Landford Road, Bangalore
Erp By Administrator Goverdhan.
- 8 **HAL III Stage First Block**
R/o Welfare Association
No 838, HAL III Stage
I Block, Bangalore,
Rep By Secretary
D ohri.
- 9 **Citizens for Civic Amenities**
Basaveshwaranagar Regd
No 71, Sharada Colony, Basaveshwaranagar
Bangalore, Rep By Sec
M. S. Achar
- 10 **R. T. Nagar Civic Forum**
No 101, 9th Cross, I Block
R T Nagar, Bangalore
Rep By Its Sec
Tessy Thomas
- 11 **Girinagar Welfare Association**
No 778/681, I C Main
II Phase, Girinagar
Bangalore, Rep By President
Y. Damodara
- 12 **BSK I Stage Welfare Association**
No 12, 21 Main Road, Bsk I Stage
II Block, Bangalore, Rep By
Secretary S. V. Srinivasa Rao

- 13 BSK Second Stage Welfare Association
No 451, 21 Main Road, 10 Main
BSK II Stage, Bangalore
Rep By Hon Sec, C. N. Krishna Swamy.
- 14 HAL III Stage Tax Payers And
Residents Association, No 543,
6 A Cross, 10 Main, 6 A Cross
10 Main, HAL 3 Stage, Bangalore
Rep By General Secretary
N. S. Mani.
- 15 Sultanpalya Residents Welfare
Association, No 45, E D Cross
Hanumantappa Layout,
Sultanpalya, Bangalore,
Rep By Its Sec B. Achar.
- 16 Residents Welfare Association Regd.
Regd No 95/84-85,
138, Vasantha Nivas, 10 Cross,
2 Block, Ravindranath Tagore Nagar, Bangalore,
Rep By Its Sec TRP Naidu.
- 17 Lajnatul Ulama Karnataka
C/O Jarnia Masihul Uloom
No 84, Armstrong Road,
Bangalore, Rep By President
Shuab Ullah.
- 18 B. R. Anantha Rao,
Major, New No 815, Govindnappa Road,
Bangalore.
- 19 Akhilesh D. Naidu,
23 Yrs, No 2, Shalimar Comfort
4 Main, Sultanpalya Main Road,
R. T. Nagar, Bangalore.

- 20 **Pattabhiramanagar Residents Welfare
Office at No 468, 19 Main Road,
IV T Block, Jayanagar,
Bangalore,
Rep By President
H. R. Venaktaram**
- 21 **Citizens Initiative For Garbage
Management Cigma, 1
4 Main, Jayamahar, Bangalore
Rep By Its Sec, K. M. Acharya**
- 22 **Association for Information Technology,
Office at 15/1,
III Floor, Dickenson Road,
Bangalore, Rep By President
Nagesh. S**
- 23 **Terrace Garden Apartment Owners
Association, No 1/3, 2nd Main Road,
Ittamaru, Banashankari IIIrd Stage
II Phase, Bangalore,
Rep By President E. K. Rajakrishnan.**
- 24 **Indian Society for Environmental Studies,
1121, 19 Main, 2 A Cross,
J. P. Nagar, II Phase, Bangalore**
- 25 **Social Amenities Association
Office at 638, Seventh cross
Eleventh Main, HAL Second Stage,
Indiranagar, Bangalore,
Rep By Its Sec B. P. Guru Raja.**
- 26 **BTM Layout SFHS Residents
Office at Mf 6/2, SFHS Layout
BTM II Stage, Bannerghatta Road,
Bangalore, Rep By Sec
M. Unnikrishnan.**

- 27 Parvathi,
38 Yrs, W/o Mani,
No. 24, Antia Stores,
Jagdish Nagar, Munichappa
New Thippasandra Post,
Bangalore.
- 28 Residents Welfare Association
I Block, BSK III Stage,
III Phase, Bangalore-560 085

... PETITIONERS

(By Sri. Udaya Holla – Adv. for Petrs.)

AND :

- 1 State of Karnataka
Vidhana Soudha,
Bangalore, Rep By Chief Secy.
- 2 Bangalore Mahanagara Palike,
Karnataka Municipal Corporation
Corporation Buildings, Bangalore,
Rep By Coramissioner.
- 3 The Commissioner of Police
Bangalore, No 4, Infantry Road,
Bangalore.

... RESPONDENTS

(By Sri. Ashok Harnahalli for Respts.)

W.P.No. 37359/2001 is filed under Articles 226 and 227 of the Constitution of India praying to direct the Respondents to enforce the provisions of the Karnataka Municipal Corporations Act, 1976 and the Karnataka Police Act, 1963 and to catch and eliminate the menace of stray dogs in the City of Bangalore.

BETWEEN

WP 1970/2001(LB-RES)

1 Subhashini K. Reddy,
D/o.Kannaiah Reddy,
No.4, Kenchappa Road Cross,
Fraser Town, Blore-5. PETITIONER

(By Smt. Subhashini K. Reddy (In Person))

AND :

1 Commissioner (BMP) Bangalore Mahanagara Palike,
NR Sq. (Near Town Hall), Bangalore- 560 002.

2. Compassion Unlimited Plus Action (CUPA)
A registered Public Charitable Trust,
Having its Office at No.257, 1st Cross,
HAL II Stage, Indiranagar, Bangalore - 560 038.

3. Animal rights Fund (ARF),
A Registered Public Charitable Trust,
Having its Office at No. 144, 1st Phase, Girinagar,
Bangalore-560 085.
Represented by its Managing Trustees
Smt. Poornima Harish. .. RESPONDENTS

By Sri. Ashok Harnahalli - Adv. for R.1
Smt. Brinda M & B.K. Nanda Kumar for R2
Sri. E. Massilamani for R3, Sri. D.K. Sreenivasan for R2
Smt. Madhumita Bagchi for impleading applicants)

W.P.No.1970/2001 is filed under Article 226 and 227 of the Constitution of India praying to direct the Respondent to round up all the stray dogs of Bangalore City and sterilize all stray dogs, and etc.,

These Writ Appeals coming on for preliminary hearing this day, the Chief Justice made the following:

ORDER

One Stray Dog free Bangalore, a Society registered under the Karnataka Societies Registration Act and others have filed this PIL alleging stray dog menace in Bangalore City. It is stated that the Karnataka Municipal Corporation Act makes it an obligatory duty of the Bangalore Mahanagara Palike, the second respondent herein, to detain and destroy the stray dogs. It does not provide for allowing the dogs to stray again as is being done now contrary to law and at great danger to the health and well being of human beings. It is also stated that the respondents have arbitrarily and illegally and without justification failed to perform their statutory and constitutional duties to the residents of Bangalore. Through this PIL, the petitioners have sought for a direction to the respondents to enforce the provisions of the Karnataka Municipal Corporations Act, 1976 and the Karnataka Police Act, 1963 and to catch and eliminate the menace of stray dogs in the City of Bangalore; to discontinue the use of semple or nerve tissue vaccine and provide adequate quantities of serum or immunoglobuline and tissue culture vaccines to the victims of dog bites in the various Clinics, Health centres and other Hospitals and facilities maintained by them, among other reliefs.

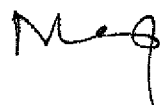
2. In response to the notice, Mr. Ashok Dalwai, Commissioner, Bangalore Mahanagara Palike, filed his affidavit. The Bangalore Mahanagara Palike has adopted a system wherein the dogs are caught, sterilized, confined and euthanised depending on the situation. The



Bangalore Mahanagara Palike is monitoring the entire activity after taking the assistance of the NGOs. It is stated that he has filed a detailed affidavit in W.P.No.1970/2001 indicating the existing system of dealing with stray dogs. The Bangalore Mahanagara Palike has adopted a system wherein the dogs are caught, sterilized, confined and euthanized depending on the situation. Bangalore Mahanagara Palike monitors the entire activity after taking the assistance of the NGOs. It has also proposed to confine dogs in certain cases in respect of which the Corporation is proposing to set up animal refuge centre. A regular program has been chalked out by Bangalore Mahanagara Palike with the involvement of NGOs.

3. It is also stated that a Monitoring Committee has been constituted which guides the NGOs for taking corrective action and for better management and it meets once in a month and decisions taken therein are implemented by Bangalore Mahanagara Palike and the NGOs. The details of the stray dogs caught, the number of dogs sterilized and number of dogs euthanized are clearly stated vide Annexure-R.1. The performance of the NGOs during the period October, 2001 to January, 2002 is separately listed vide Annexure-R.2 and that the details of the number of dogs caught by CUPA, SPCA AND THE Animal Rights Fund are produced vide Annexures R.3 to R.5.

4. Bangalore Mahanagara Palike is taking all possible steps to control the menace of stray dogs with the assistance of NGOs and the Monitoring



Committee consisting of Commissioner, Chief Health Officer, Zonal Health Officer, representative of NGOs, Professor and Assistant Professor of Anti-rabies Centres, KIMS etc., is constantly monitoring the stray dogs control program. A memo is also filed by the learned Counsel for the second respondent producing a copy of the Action Taken Report pertaining to controlling the menace of the stray dogs in Bangalore, for the period from March, 2002 to June, 2002 for perusal of this Court.

3. We have heard the learned counsel for the parties and perused the materials placed on record.

4. On consideration and in view of the submission, when the authorities concerned have taken all such precautionary measures to control the stray dog menace and is constantly monitoring the stray dog control program, it is not necessary to pass any specific order.

Writ Petitions are disposed of. However, it is expected that the authorities concerned will go on monitoring the stray dog control program.

Sd/-
Chief Justice

Sd/-
Judge

Msk*