

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 179 of 2022

Petitioner :- Suo-Moto In Re- Menace Created By Stray Dogs

Respondent :- State of U.P. and Others

Counsel for Petitioner :- Vijay Dixit, Abhishek Pratap, Mohit Pandey

Counsel for Respondent :- C.S.C., Amal Rastogi, J K Sinha, Kuldeep Pati
Tripathi, Namit Sharma, Priyanka Singh, Subham Tripathi

Connected with

Case :- WRIT - C No. - 4009 of 2022

Petitioner :- Sabab Raza And Others

Respondent :- State Of U.P. Thru. The Secy. Urban Development Deptt.
Govt. Of U.P. Secr. , Lucknow

Counsel for Petitioner :- Mohd. Kumail Haider, Syed Zulfiqar Husain
Naqvi

Counsel for Respondent :- C.S.C., Namit Sharma

Hon'ble Devendra Kumar Upadhyaya, J.

Hon'ble Rajnish Kumar, J.

This Court by means of the order dated 07.04.2022 had directed the registry to register this Public Interest Litigation, which was necessitated on account of the incident reported in the newspapers where some stray dogs not only attacked but killed a child of very tender age and seriously injured his sister. The Court while taking cognizance of the issues also had directed the Chief Medical Officer to provide all medical assistance to the girl by keeping her admitted for treatment in King George Medical University. This Court had further directed that all possible medical treatment shall be given to the injured girl child without any charges.

The Registrar of K.G.M.U. has filed an affidavit stating therein that the injured girl child has been provided appropriate treatment.

Sri Mohd. Qumail Haider, learned counsel appearing for family members of the girl child in the connected Writ C No.4009 of 2021 expresses his satisfaction about the treatment given to the girl child.

We put on record our appreciation for the efforts made by the Chief Medical Officer, Lucknow and the Registrar and the Vice Chancellor of KGMU.

An application seeking intervention has been moved by one Sri Kamal Sharma through Sri Amal Rastogi, Advocate stating therein that the applicant has been associated with welfare of

animals and is a member of the Society for Prevention of Cruelty to Animals. Through the application, certain apprehensions have been expressed touching upon welfare of the animals.

We thus propose to hear learned counsel representing the applicant in terms of the provisions contained in Chapter 22, Rule 5A of the High Court Rules.

It is ordered accordingly.

In our earlier order dated 07.04.2022, we had required learned Additional Advocate General to apprise the District Magistrate, Lucknow about the incident and also to seek instructions as to how the family of the deceased boy child can be monetarily compensated on account of his tragic death in the incident. In response to the said direction, learned Additional Advocate General Sri Kuldeep Pati Tripathi has produced a letter of the District Magistrate, Lucknow dated 08.04.2022 whereby it has been informed that sanction has been accorded to provide a sum of Rs.1,50,000/- to the family members of the deceased child from Lucknow Rifle Club.

Arguing the connected Writ C No.4009 of 2022, it has been submitted by Sri Mohd. Qumail Ahmad appearing on behalf of the family members of the deceased child that the family members are entitled to be paid monetary compensation. It is not in dispute that a human life has been lost in a horrifying incident which prima facie occurred on account of negligence in discharge of its duties by Nagar Nigam. If State or any of its instrumentailities fails to discharge its statutory or otherwise obligations and duties which becomes the cause of loss of human life, though such life cannot be compensated in any terms including in terms of money, however, surviving family members of the deceased are necessarily to be provided some solace by way of monetary compensation or otherwise.

Accordingly, we direct Lucknow Nagar Nigam to file an affidavit as to why adequate compensation which we propose to be a sum of Rs. 10,00,000/- may not be awarded to the family of the deceased child.

We also request the learned Amicus Curiae Sri Vijay Dixit, Sri Abhishek Pratap and Sri Mohit Pandey to give a written brief as to why and under what provision of law the family members of the deceased child can be compensated monetarily.

So far as the concerns expressed by Sri Kamal Sharma while seeking intervention in the case, we call upon Lucknow Nagar

Nigam to file a separate affidavit as to the legal position and compliance thereof by Nagar Nigam for ensuring safety of street dogs. While filing this affidavit, Nagar Nigam, Lucknow shall clearly state the steps which are being taken or which might have been taken in past not only to save the citizens of the city from the menace caused by the street dogs but also as to whether any measures for securing safety of street dogs have been taken.

We also appoint Sri Akash Prasad, a practicing lawyer of this Court to address this Court on issues which have emerged in this case.

Sri Kuldeep Pati Tripathi, learned Additional Advocate General representing the State submits that the learned counsel representing the petitioners in Writ C No.4009 of 2022 may provide the details of bank account of Sri Sabab Raza, father of the deceased child, so that the amount of Rs. 1,50,000/- may be transferred in his account. Accordingly, we direct that Sri Qumail Haider, learned counsel appearing for family members of the deceased child shall provide all the requisite details of the bank account of Sabab Raza, father of the deceased child to Sri Kuldeep Pati Tripathi, learned Additional Advocate General who will ensure that the amount mentioned in the letter dated 08.07.2022 is transferred through e-mode or any other appropriate mode in the bank account of the father of the deceased child forthwith.

List this case on 30.08.2022.

When the case is next listed, name of Sri Akash Prasad shall also be shown as Amicus Curie.

Order Date :- 8.7.2022

Akanksha