

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**WRIT PETITION (CIVIL) NO. 547 OF 2022**

**KANHAIYA KUMAR**

**....Petitioner(s)**

**VERSUS**

**CENTRAL ZOO AUTHORITY & ANR.**

**....Respondent(s)**

**ORDER**

The petitioner, said to be a public spirited person and an advocate by profession, has filed this petition in the nature of Public Interest Litigation ('PIL') with reference to his interest in the welfare of environment and compassion towards protection and improvement of wild-life.

In this petition, the petitioner is essentially seeking orders against the respondent No. 2 in the following terms:

"13. The Petitioner therefore prays to the Hon'ble Court that in the interest of public and the wildlife and the animals the following order may be passed:-

(a) Issue an appropriate Writ, Order or Direction to respondent No. 2 for the acquisition of animals from any person, government department or Zoo in India or abroad be banned by an order of permanent injunction.

(b) Issue an appropriate Writ, Order or Detailed inquiry be directed to be conducted by forming SIT into the management of the Respondent No. 2."

The respondent No. 1 herein is the Central Zoo Authority and the respondent No. 2, Greens Zoological Rescue and Rehabilitation Centre is said to be a private entity, which has been given the permission by the respondent No. 1 to import several endangered, vulnerable and

threatened animals from abroad and also domestically. The petitioner is assailing the permission so granted to the respondent No. 2 to establish a Zoo in District Jamnagar, in the State of Gujarat. The contentions of the petitioner in challenge to the permission granted to the respondent No. 2 and its activities are essentially based on the information said to be available in public domain on the internet and in the form of news-reports. The petitioner would submit that the respondent No. 2 is a private Zoo and is not permitted to receive animals, whether from abroad or in India. The petitioner would further submit that the master layout plan for the Zoo of the respondent No. 2 was approved in the month of February, 2019 but it is not clear as to how the respondent No. 2 is qualified to take the animals from abroad or from a public Zoo. According to the petitioner, the respondent No. 2 is planning to have largest number of species and animals in Zoo in order to attract visitors and to make business out of the same, which remains entirely impermissible; that the respondent No. 2, in the garb of making Rescue Centre for animals, is seeking to carry out commercial activity; and that a Zoo and a Rescue Centre cannot be operated under one roof.

The respondent No. 2 has filed a detailed counter affidavit opposing the writ petition, while asserting that the same is entirely misconceived, being based on incorrect and incomplete news-reports. It has, *inter alia*, been submitted that on 14.02.2019, the respondent No. 1 granted approval for establishment of Zoo and Rescue Centre to the respondent No. 2 under Section 38-H(1A) of the Wild Life (Protection) Act, 1972

(hereinafter referred to as “the Act of 1972”) subject to certain conditions; and after due inspection and evaluation, respondent No. 1 granted due recognition to the Centre of the respondent No. 2 by the order dated 17.08.2020 subject to various stipulations (Annexure R-6). The respondent No. 2 has also given the details of various aspects of its functioning, including the Leopard Rescue Centre and the Crocodile Rescue Centre, while maintaining that Vats, Curators, Biologists, Zoologists and other experts are engaged to carry out the activities strictly in terms of the stipulations of recognition and the provisions of law applicable, including the Act of 1972 as also Recognition of Zoo Rules, 2009. It is submitted that essentially, the respondent No. 1 is the only competent authority and regulatory body to deal with Zoos and Rescue Centres and all the matters connected therewith including transfer and acquisition of animals. It is submitted that there is no concept of any Private Zoo in the scheme of law applicable and only one type of Zoo is contemplated being the “Recognised Zoo”; and the recognition of respondent No. 2 has been in accordance with law.

The respondent No. 2, in paragraph 13 of the counter affidavit has taken exception against the allegations of commercialisation as made against it while maintaining that it has been operating as a non-profit organisation with principal objective of welfare of animals. The respondent No. 2 has also stated that except Zoological Park, which would be open to the public, no other area would be open to the public and would be maintained only as Rescue Centre. It is also asserted that Zoological Park

itself would be operated essentially for educational purposes and creating awareness for promoting welfare of animals. The respondent No. 2 has yet further stated that even if any revenue is generated from the Zoological Park, the same shall be, after payment of taxes, used only towards rescue, relief and rehabilitation operations.

Having heard learned counsel for the parties and having perused the material placed on record, we are unable to find any logic or basis in this petition.

There is hardly any scope to dispute that the respondent No. 2 is a recognised Zoo as well as a recognized Rescue Centre. We are unable to find any legal infirmity in grant of recognition to the Zoo and the Rescue Centre of the respondent No. 2 by the respondent No. 1. The allegations of the petitioner regarding lack of expertise on the part of respondent No. 2 or regarding commercialisation remain uncertain and it does not appear that the petitioner has carried out the requisite research before moving this Court in PIL jurisdiction.

We are impelled to observe that the petitioner himself is not an expert in the field and has based the petition merely on news-reports which too, do not appear to have been made by the expert. In any case, when the subject field is to be taken care of by, and is under supervision of respondent No. 1, and there appears no infirmity on its part, invoking of PIL jurisdiction cannot be countenanced.

Taking note of the submissions made in the counter affidavit with the accompanying documents, we are satisfied that the permission granted to

the respondent No. 2 and the consequential activities of the respondent No. 2 cannot be said to be illegal or unauthorised. All other aspects of the matter are, obviously, to be examined and dealt with by the respondent No. 1.

For what has been observed hereinabove, this petition is required to be dismissed, for there is hardly any cause calling for interference of this Court.

Accordingly, in view of the above, this Writ Petition stands dismissed.

All pending applications stand disposed of.

.....J  
(DINESH MAHESHWARI)

.....J  
(KRISHNA MURARI)

**NEW DELHI**  
**16TH AUGUST, 2022**

ITEM NO.44

COURT NO.12

SECTION PIL-W

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

Writ Petition (Civil) No. 547/2022

KANHAIYA KUMAR

Petitioner

VERSUS

CENTRAL ZOO AUTHORITY &amp; ANR.

Respondent(s)

Date : 16-08-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Ashwin Kumar Nair, Adv.  
Mr. Kunal Verma, Adv.  
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s) Mr. Tushar Mehta, SG  
Ms. Swati Ghildiyal, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Udai Khanna, Adv.  
Mr. Madhav Sinhil, Adv.  
Mr. Akshay Amritanshu, Adv.  
Mr. Gurmeet Singh Makker, AOR  
  
Mr. Harish Salve, Sr. Adv.  
Dr. Sujay Kantawala, Adv.  
Mr. Avadh Bihari Kaushik, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The Writ Petition stands dismissed in terms of the Signed order.

All pending applications stand disposed of.

(SNEHA DAS)  
SENIOR PERSONAL ASSISTANT

(Signed order is placed in the file)

(RANJANA SHAILEY)  
COURT MASTER (NSH)