



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
(1) WRIT PETITION (L) NO. 21199 OF 2025**

Pallavi Sachin Patil ...Petitioner
Versus
Municipal Corporation of Greater
Mumbai, Through Its Commissioner & Ors ...Respondents

**WITH
WRIT PETITION (L) NO.24664 OF 2025
WITH
INTERIM APPLICATION (L) NO.24961 OF 2025**

**WITH
(2) WRIT PETITION (L) NO. 21694 OF 2025**

Gunvatrai Maganlal Shah ...Petitioner
Versus
State of Maharashtra & Ors ...Respondents

**WITH
(901) PUBLIC INTEREST LITIGATION (L) NO.24600 OF 2025**

Hardik Hundiya ...Petitioner
Vs.
State of Maharashtra & Ors. ...Respondents

**WITH
CIVIL APPELLATE JURISDICTION
(29) WRIT PETITION NO.10849 OF 2025**

Shashwat Foundation ...Petitioner
Vs.
State of Maharashtra & Ors,. ...Respondents

Mr. Harish Pandya a/w Malhar Zatakia Mr. Rohit Agarwal, Mr. Dhruv Jain, Ms.
Anushka Jain i/b Mr. Dhruv Jain for Petitioner in WPL/21199/2024

Ms. Pallavi Patil, Petitioner a/w Adv. Rajesh N. Bhavasar Mr. Varun Vij i/b
Vineeta Tandon, Intervenor in WPL/21199/2025.

Mr. A. Y. Sakhare, Sr. Adv. a/w Mr. Praful Shah a/w Mr. Yakshay Chheda, Ms. Gunjan Shah i/b SSB Legal & Advisory for Petitioner in WPL/21694/2025.

Ms. Madhavi Tavanandi i/b Harshad Garud for Petitioner in WP/10849/2025.

Mr. Ankit Lohia a/w Ms. Nikita Bhansali, Ms. Drishti Solanki, Mr. Dheer Sampat i/b Yasmin Bhansali & Co for Petitioner in WPL/24664/2025.

Mr. Ashish Mehta a/w Ms. Kajol Shah i/b Omii Mehta for Petitioner in PIL (L)/24600/2025.

Mr. Ram Apte, Sr. Adv. a/w Ms. Rupali Adhate i/b Ms. Komal Punjabi for BMC in WPL/21199/2025, 24664/2025 and 21694/2025.

Mr. D. Pawar, Asst. Eng., Maintainance Dept. G/N Mr. Nilesh Bhoir, Asst. Engineer SWM (G/N) Mr. Vitthal Jadhav, Sr. Architect (Heritage) D.P. Dept.

Ms. Rupali Adhate i/b Ms. Komal Punjabi for BMC in PIL(L)/24600/2025.

Dr. Birendra Saraf, Advocate General, Smt. P. H. Kantharia, GP. With Mr. Manish Upadhye, AGP for State in WPL/21199/2025, 24664/2025 and 21694/2025.

Dr. Birendra Saraf, A.G. with Smt. P. H. Kantharia, G. P. With Smt. Jyoti Chavan, Addl. G.p for State in PIL(L)/24600/2025.

Smt. M. M. Deshmukh, Addl. P.P. for State

P.S.I. Vishwanath Chavan (DCP - Operation), CP-Office, Mumbai.

P. I. Meera Jagtap, Dadar Police Station, Mumbai, Present

P.S.I, Deepak Gaikwad, Dadar Police Station, Mumbai

Ms. Sapna Suresh Benole, Under Secretary, Town Planning Department, Present

Dr. Birendra Saraf, A. G. a/w Ms. Savita Prabhune AGP for State in WP/10849/2025.

Mr. Abhijit P. Kulkarni for R. No. 2 & 3 PMC in WP/10849/2025.

Ms. Manisha T. Karia, Sr. Adv. i/b Mr. Vishal Navale for Respondent No. 3 in WPL/21199/2025.

Mr. Ashutosh Mishra i/b A. A. Ansari for UOI, Respondent No. 4 in WPL/21199/2025.

Meera Jadhav

Ms. Siddh Vidya a/w Mr. Kunal R. Kumbhat a/w Mr. Karthik Pillai i/b Siddh Vidya & Associates for Respondent No. 5 in WPL/21199/202.

Mr. Aditya Thakkar a/w Mr. Amogh Singh, Mr. Ashutosh Mishra i/b A. A. Ansari for Respondent No. 6 In PIL (L)/24600/2025.

Mr. Amrut Joshi i/b Mr. Sahil Sayyed For Respondent No. 9 (Anand Ratnakar Pai)

**CORAM : G.S. KULKARNI &
ARIF S. DOCTOR, JJ.**

DATE : 13th AUGUST, 2025.

P.C:

1 The proceedings are before us today on the backdrop of our detailed orders dated 15th July 2024, 24th July 2025, 30th July 2025 and 7th August 2025. In our last order, in regard to the formation of an expert committee, we had made the following observations :

“8. Thus, there is a wealth of medical material on these issues. Certainly, the Court would not have any expertise to examine such materials and form any final opinion in the event the petitioners intend to dispute such medical opinions. It is for such reason, we are inclined to hear the learned Advocate General on behalf of the State, so that an “Expert Committee” can be appointed as may be suggested. The State is a custodian of larger public health and the societal welfare as also is under an obligation to balance the interests of the large population. It is equally the duty of the Municipal Corporation to protect public health and prevent disease and considering such vital aspects in the larger interest of public health, has prohibited feeding at the Kabutarkhanas.

9. Thus, with the wisdom of the State Government as also with the wisdom of the Municipal Corporation, we are certain that the issues can be resolved by having appropriate medical opinion on whether the decision as taken by the Municipal Corporation to close down the feeding of pigeons at the Kabutarkhanas, taken in larger public interest of the health of the citizens, is a correct decision. If the opinion of the Committee is such that feeding areas are rightly closed by the Municipal Corporation, then certainly such expert opinion needs to prevail, as the same would be in the paramount interest of public health.

Meera Jadhav

10. We are sure that in such situation, certainly the State Government or the Municipal Corporation would not take a position contrary to the expert opinion to be rendered by such Committee which would comprise of experts in the field. Such Expert Committee can be appointed after receiving suggestions, which may be given by the learned counsel for the Petitioners, Municipal Corporation and also the State Government so that we can pass appropriate orders to constitute such Committee.

11. In the event, the Expert Committee accepts the decision of the Municipal Corporation and as a consequence thereof the decision of the Municipal Corporation is not required to be recalled, in that event after consulting the experts, for example the Bombay Natural History Society (BNHS), the Animal Welfare Board of India and other experts as may be available, appropriate steps can be taken to find out alternatives, on the suggestions as may be made by the different stakeholders including the petitioners, so that a workable mechanism can be formulated and set into motion.

12. In our prima facie opinion, this is the only manner the impasse can be resolved. We accordingly adjourn the proceedings to 13th August 2025 (HOOB) at 3.00 p.m. so that **we would hear the learned Advocate General as also we can take the names of experts who can form part of the committee to be appointed by the State Government.”**
(emphasis supplied)

2 We had accordingly requested the learned Advocate General to appear in the present proceedings in regard to the formation of the Expert Committee. The Learned Advocate General very fairly has placed before us the proposed constitution of the committee which is as under:

Sr. No.	Name and Designation	
1	Director, Department of Public Health	Chairman
2	Executive Health Officer, Brihanmumbai Municipal Corporation	Member
3	Director, Town Planning Department	Member Secretary
4	Director, Bombay Natural History Society	Member
5	Professor from All India Institute of Medical Science.	Member
6	Officer nominated by Maharashtra Animal Welfare Board	Member

7	Officer nominated by Animal Welfare Board of India	Member
8	Dr. Sujit Ranjan, Pulmonologist	Member
9	Dr. Amita U. Athavale, Pulmonologist	Member
10	Professor of Immunology nominated by Government Medical College	Member
11	Professor of Veterinary Science nominated by Government Veterinary College	Member
12	Microbiologist Nominated by Dean, J.J.Hospital	Member

3 The Learned Advocate General has also placed on record the proposed scope of reference which is to the following effect:

SCOPE OF REFERENCE

“1. To consider the impact on public health from feeding pigeons and the effect of pigeon droppings have on public health.

2. If it is found that the feeding of pigeons adversely affects public health, whether the activity can be permitted in a regulated manner without compromising public health or places to be designated and the nature of the regulations ?”

4 After hearing the learned counsel for the parties, we are of the opinion that it eminently in the larger public interest, that such Expert Committee is constituted. We accordingly direct that the aforesaid Expert Committee shall stand appointed. The constitution of the said Expert Committee be notified by the State Government by 20th August 2025 as fairly agreed by the learned Advocate General. Also the members of the committee be informed of the said constitution.

5 We also accept the scope of reference which we have noted hereinabove,
upon which the Expert Committee shall deliberate and provide its answers/
recommendations in a report to be placed on record of the present proceedings.

6 We permit the Petitioners to place their written suggestions / opinions
before the committee and which shall be in respect of the medical materials and
the suggestions on issue no.2, of the scope of reference (supra).

7 We also permit the committee to invite other experts or any other
persons, if so necessary, so that a holistic view of the issues can be taken, and in
the larger interest of public health.

8 This apart, in terms of what is observed by us in our order dated 7th
August 2025 and more particularly in paragraph 15, we are informed by Mr.
Sakhare, learned Senior Counsel appearing for the Petitioners in Writ Petition
(I) No.21694/2025 that his clients have made an application to the Municipal
Commissioner on 8th August 2025 seeking a permission to feed the pigeons for
a time interval. We are also informed by Mr. Pandya, learned counsel appearing
for the Petitioners in Writ Petition (L) No.21199 of 2025 that is clients have
also made an application before the Commissioner on 10th August 2025. Mr.
Lohia, learned Counsel appearing for Petitioner in Writ Petition (L) No.24664
of 2025 that his clients have also made an application before the Commissioner.
The Commissioner is accordingly seized with three applications. The
applications are now required to be decided by the Municipal Commissioner in
accordance with law, after receiving the inputs from the different stakeholders.
Thus, a public notice of these applications made by the Petitioners is required

to be issued, calling upon responses from the different stakeholders. This would be necessary, as vis-a-vis the interest which the Petitioners intends to canvass that is to feed the pigeons in intervals, the interest of community health and/or the health of public at large, being also paramount cannot be overlooked. Thus, it is imperative that the Municipal Commissioner takes a informed decision in accordance with law on these applications of the Petitioners. Let the steps to be taken in that regard be set into motion by the Municipal Corporation. We permit all the stakeholders to submit their views to the Municipal Commissioner, which shall be taken into consideration, and all such issues which may be raised, need to be addressed in detail.

9 In so far as the other issues in the present proceedings are concerned, the learned counsel for the parties fairly agree that such issues can be considered after the report of the Expert Committee is available before the Court.

10 Let the Expert Committee make an endeavor to submit its report within one month of its first meeting.

11 All contentions of the parties are expressly kept open.

12 At this stage, it is brought to our notice that one of the Petitioners (Pallavi Patil & Anr) in Writ Petition (L) No.21199 of 2025, assailed the orders dated 24th July 2025 and 30th July 2025 passed by this Court on the present proceedings before the Supreme Court in Special Leave Petition No.22103-22104 of 2025. The Supreme Court by its order dated 11th August 2025 however has not interfered in the said orders passed by this Court. The Supreme Court observed that the dismissal of the Special Leave Petitions would

not debar the Petitioners to move an application for modification of the order, if any.

13 In the aforesaid circumstances, we adjourn the present proceedings and as rightly suggested by Mr. Sakhare, after four weeks. We clarify that all our orders passed earlier shall continue to operate.

14 At this stage, Learned Advocates for the Petitioners have fairly submitted that copies of their applications filed with the Municipal Commissioner shall be provided to Advocate for the Municipal Corporation. Let the same be served by tomorrow, i.e., 14th August 2025.

15 At this stage Mr. Mehta submits that PIL (L) No.24600 of 2025 is also to be heard alongwith the present proceedings. We shall hear the parties on the larger issues on the adjourned date of hearing.

16 Stand over to 10th September 2025.

[ARIF S. DOCTOR, J.]

[G.S. KULKARNI, J.]