

08th August, 2025

To,
The Municipal Commissioner,
Municipal Corporation of Greater Mumbai,
Mumbai – 400001.

The Ward Officer,
G-Ward, Mumbai.

Subject: Application seeking permission to feed pigeons at Kabutarkhana pursuant to the liberty granted in clause 15 of the Hon'ble Bombay High Court's order dated 07.08.2025 in W.P. (L) No. 21694 of 2025 & connected matters.

Respected Sir,

1. We, the Petitioners in Writ Petition (L) No. 21694 of 2025 are writing this application in light of the directions issued by the Hon'ble High Court of Judicature at Bombay in the order dated **7th August 2025**, more particularly clause 15 thereof, which reads as under:

"...we permit the petitioner to make an application to the Municipal Commissioner. The Municipal Commissioner shall grant an opportunity of a hearing to the petitioner and to the other stakeholders and pass an appropriate order as per law and most importantly taking into consideration the larger issue of public health. In the event if any such application is rejected, liberty to the petitioners to apply to the Court."

Hereto **enclosed** is the copy of the Order dated 7th August, 2025 for your perusal and consideration.

2. Accordingly, we request you to kindly consider our application and grant us permission to feed pigeons at the Kabutarkhana site in a regulated, hygienic and controlled manner. We assure the Municipal Corporation that the feeding will be conducted while maintaining strict sanitary and safety protocols to ensure that public health is not compromised in any manner.
3. We undertake to cooperate fully with any conditions or directions that the Corporation may impose in this regard. It is submitted that we are ready to

have regulated feeding times at the Kabutarkhana. Feeding shall strictly occur between **7:00 AM to 9:00 AM** in the morning **12.00 PM to 1.00 PM** in the afternoon and between **4:00 PM to 5:00 PM** only in the evening.

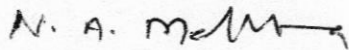
4. We also undertake to fully maintain the quantity and quality of feeding and shall ensure that the cleanliness regulations are followed to the upmost level. We shall ensure that only **clean, dry grains** free from additives will be used and **daily quantity of feed** will be fixed and monitored. We shall ensure no leftover grains shall remain in the Kabutarkhana after the designated hours.
5. We shall ensure that the feeding area will be **cleaned immediately** after feeding and daily **disinfection** using eco-friendly materials shall be carried out at the Kabutarkhana. Disposal of pigeon droppings, feathers, and leftover grains will be done responsibly and immediately after the feeding timings.
6. We shall ensure that appropriate **Fencing/barriers** will be erected to prevent unauthorized public entry and Drainage systems will be maintained regularly to prevent any kind of blockages due to pigeon droppings or feathers.
7. We shall ensure that the general public is aware of feeding hours and health risks from uncontrolled feeding by putting necessary information and **displayboards** at the Kabutarkhana. We shall put **signages** stating that Feeding outside these time slots is strictly prohibited.
8. Your kind Authority is aware that in urban places, it is not possible for the birds to find grains on their own. Hence, the birds rely upon the grains available in the Kabutarkhana for their day-to-day survival. However, due to closure of Kabutarkhanas, the birds are not in a position to find any food-grains for themselves which has led to deaths of many pigeons on a daily basis. Hereto **enclosed** are the photographs showing the pigeons who demised due to starvation.
9. In order to ensure that no more birds die of starvation, we respectfully request your kind Authority to grant us the permission to feed the birds at the earliest and that our present application is considered positively in accordance with law. It is also requested that the water connection and electricity connection to the Dadar Kabutarkhana be restored at the earliest, so that we can ensure

utmost cleanliness of the premises. We further request your good self to uncover the entire Dadar Kabutarkhana at earliest.

We are willing to provide any further documents that the Corporation may require.

Thanking you,

Yours faithfully,
For the Petitioners,
Dadar Kabutarkhana Trust Board



Trustee
Narendra Mehta

Enclosures:

1. Copy of the order dated 07.08.2025 in WPL No. 21694 of 2025
2. Photographs.



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 and Ors.

...Respondents

AND

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

Gunvatrai Maganlal Shah

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

WITH

CIVIL APPELLATE JURISDICTION

(902) WRIT PETITION NO. 10849 OF 2025

Shashwat Foundation through its
President Ashapurana Ambekar

...Petitioner

Versus

State of Maharashtra through its

Principal Secretary Public Health Dept. and Ors.

...Respondent

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/21199/2025.

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

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

Mr. Ankit Lohia i/b Yasmin Bhansali & Co for Petitioner in WPL/24664/2025.

Mr. Surel Shah a/w Mr. Amrut Joshi, Mr. Yazad Udawadia i/b Mr. Sahil Sayyed For Respondent No. 9.

Mr. Ram Apte, Sr. Adv. a/w Ms. Rupali Adhate i/b Ms. Komal Punjabi for BMC.

Mr. D. Pawar, Asst. Eng., Maintenance Dept. G/N.

Nr, Bhoir, Asst. Engineer SWM (G/N).

Mr. Vitthal Jadhav, Sr. Architect (Heritage) D.P. Dept.

Smt. P. H. Kantharia, GP. With Mr. Manish Upadhye, AGP for State.

Mr. Hiten Venegaonkar P. P. with Smt. M. M. Deshmukh, Addl. P.P. for State.

DCP Mahendra Pandit, Zone 5, Mumbai Present.

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

Ms. Savita Prabhune AGP for State in WP/10849/2025.

Mr. Abhijit P. Kulkarni a/w Ms. Sweta Shah & Mr. Abhshek Roy for Respondent Nos. 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, R. No. 4 in WPL/21199/2025.

Mr. Kunal R. Kumbhat a/w Mr. Karthik Pillai for R. No. 5 in WPL/21199/2025.

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

DATE: 07 AUGUST 2025

P.C.

1. We have passed detailed orders in these proceedings on 15th July 2025, 24th July 2025, and 30th July 2025. Most significantly, in our order dated 24th July 2025 we observed that considering the issues as involved, the present proceedings ought not to be considered as “adversarial proceedings”, inasmuch as the decision of the Municipal Corporation was stated to be taken in the larger interest of the societal health, which includes health of all categories of persons from children to senior citizens. It was observed that such issues need to be considered from the perspective of “human health” being paramount, which directly affect “right to life and livelihood” as guaranteed under Article 21 of the Constitution of India. It was also observed that there cannot be anything more vital than “human health” and if there is any hazard and/or potential of such hazard by breeding of pigeons and by congregating them in Kabutarkhanas, certainly it was a matter of grave societal concern. In such situation when steps were being taken by the Mumbai Municipal

Corporation in larger interest of public health of thousands of innocent citizens, on the basis of scientific research and empirical materials whether such action of the Municipal Corporation could be labelled as illegal, was the question which was posed.

2. In the earlier order passed by this Court, we had also requested Dr. Sujeet K. Rajan, a renowned Chest Physician to place on record his opinion on these actions being taken by the Municipal Corporation. We had also made a reference to the order passed by the Division Bench of this Court (Coram : A.S. Oka and P.N. Deshmukh, JJ., as their Lordships then were) about 7 years ago, in the case of **Adarsh Chowpatty Pragati Mandal & Ors. Vs. State of Maharashtra & Anr. [Writ Petition No. 2197 of 1998]** in regard to the pigeons feeding at Chowpatty and which was recommended to be removed considering the medical evidence, as observed in the said judgment.

3. On such backdrop, Dr. Sujeet Rajan has forwarded his opinion dated 4th August 2025, which is to the following effect:-

"With regards to the Writ petition (L) 21694 of the Honorable High Court, I have the following response:

I cannot under-emphasise the importance of dismantling open pigeon-feeding grounds. I would like to reiterate what I wrote in 2018 and also emphasise that even continued exposure to pigeon droppings (not just pigeon-feeding which is even more dangerous), constitute a hazard to lung health, and even more so in susceptible individuals.

We have had instances of teenage children diagnosed with fibrotic hypersensitivity pneumonitis (fHP) when I wrote my observations in 2018 having sadly succumbed to their fHP in the past couple of years. It is frustrating to witness such cases.

and especially when anti-fibrotic drugs are unable to reverse the established fibrosis. Evidence published in 2019 suggested that antifibrotic drugs may slow the progression of the fibrosis (Flaherty et al N Engl J Med 2019;381:1718-1727).

Since this study, we have started using anti-fibrotic drugs for progressive fibrotic lung disease in fHP - at most we are able to slow progression in some patients, but never able to reverse the fibrosis. Patients gradually become oxygen-dependent, involved with palliative medicine specialists, and counselled and sometimes (in those who can afford it) referred for lung transplant. It is very challenging to look after young patients with this disease who progress.

In fact, the majority of my patients who have undergone or been referred for lung transplant, are patients with fHP, unlike many other transplant centers in the world where idiopathic pulmonary fibrosis (IPF) a disease largely of the elderly above 60 - is the commonest indication for lung transplant referral.

I need to emphasize that these pigeon-breeding areas need to be dismantled at the earliest - and would also advise focus on such areas within housing societies - where hapless victims of fHP often have no say and especially when society members and office bearers prevail over their wishes."

(emphasis supplied)

4. It is clear that Dr. Sujeet Rajan has underscored the importance of dismantling open pigeon-feeding grounds, being his reiteration of what he had pointed out in the year 2018 and which was taken into consideration by the Division Bench of this Court in **Adarsh Chowpatty Pragati Mandal** (supra). He has clearly stated that continued exposure to pigeon droppings and not just pigeon-feeding which is even more dangerous, constitute a hazard to lung health, and even more so in susceptible individuals. He has referred to the ill-effects on teenage children, who are diagnosed with fibrotic hypersensitivity pneumonitis (fHP), in emphasizing that even an effective treatment cannot be of much assistance to the patients and the deterioration of health which they would suffer as the disease progresses. Finally, he emphasized that the pigeon-breeding areas need to be

dismantled at the earliest, and also in the housing societies, if there are any such areas where hapless victims of fHIP often have no say and especially when society members and office bearers prevail over their wishes. These are the views not different from what was put before us in the earlier occasion in the affidavit filed on behalf of the Municipal Corporation of Dr. Amita U. Athavale, Professor and Head of the Department of Pulmonary Medicine and Environmental Pollution Research Centre on behalf of the Municipal Corporation. The question is whether "we the citizens" should discard such expert opinions and which are certainly on scientific research and empirical medical materials. It ought not to be so casual to discard such materials and more importantly, when the collective health of the citizens at large, is at stake and not merely handful of citizens.

5. On the above conspectus, we may also observe that what would stare at the citizens is what has been provided for under the Constitutional principles. In providing for fundamental duties as prescribed in Part-IVA of the Constitution, clause (h) of Article 51A ordains that the citizens "develop the scientific temper and humanism and the spirit of inquiry and reform". This duty would be required to be balanced with the duty to protect and improve the natural environment, wildlife and compassion for living creatures as provided for in clauses (h) and (g) of Article 51A which reads thus:-

"(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;"

6. We may also refer to the provisions of Article 39 of the Constitution of India, which provides for 'Certain principles of policy to be followed by the State'. In our opinion, the provisions of clauses (e) and (f) thereof are relevant, which read thus:-

“(e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

(f) that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.”

7. It is on such backdrop, the proceedings are required to be considered. Today, we have medical material which is placed on record by the Municipal Corporation in the affidavit filed by Dr. Amita U. Athavale, Professor and Head of the Department of Pulmonary Medicine and Environmental Pollution Research Centre. We also have the opinion of Dr. Sujeet K. Rajan of the Bombay Hospital, who is an expert in the field. Learned counsel for the petitioners also intend to place on record some material.

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.

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.

13. In the meantime, let reply affidavits filed on behalf of the Municipal Corporation or any other parties be circulated and/or served to the parties so that all the learned counsel can be heard on their respective contentions on the adjourned date of hearing.

14. We also record that the Municipal Corporation is not before us today to say that the decision which was taken by the Municipal Corporation in the public interest to close down the Kabutarkhanas and/or stop feeding the pigeons has in any manner been revoked or diluted. Thus, the ban imposed by the Municipal Corporation to feed pigeons in public spaces very much stands. In the event, the petitioners intend to have any further orders, they are free to file their respective Interim Applications, we shall hear the parties on the Interim Applications.

15. At this stage, we are informed by Mr. Sakhare, learned senior counsel appearing for one of the petitioners that the petitioner intends to feed the pigeons.

If that be so, we permit the petitioner to make an application to the Municipal Commissioner. The Municipal Commissioner shall grant an opportunity of a hearing to the petitioner and to the other stakeholders and pass an appropriate orders as per law and most importantly taking into consideration the larger issue of public health. In the event if any such application is rejected, liberty to the petitioners to apply to the Court.

16. In the meantime, ad-interim orders passed earlier shall continue to operate till the adjourned date of hearing.

(ARIF S. DOCTOR, J.)

(G. S. KULKARNI, J.)



OnePlus 11R 5G
29 July 2025 at 17:57





 **GPS Map Camera**

Mumbai, Maharashtra, India

29, Mc Jawale Rd, Near Kabutar Khana, Priyadarshini Society, Dadar, Mumbai, Maharashtra 400028, India

Lat 19.018926° Long 72.840454°

29/07/2025 05:57 PM GMT +05:30



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