

Outlook


Fw: Application under directions of Hon'ble Bombay High Court (Order dated 07.08.2025) for Permission to Feed Every Single Pigeon and Maintain Access to All Existing Kabutarkhanas and Feeding Spots with Protective and Humane Measures

From BHUSHAN ASHOK GAGRANI <mc@mcgm.gov.in>

Date Mon 8/11/2025 5:25 PM

To DR ASHWINI JOSHI <amc.city@mcgm.gov.in>; KOMAL RAJESH PUNJABI <lo01.legal@mcgm.gov.in>; KALIMPASHA AHMEDKHAN PATHAN <gm.deonar@mcgm.gov.in>

Cc Sau. Pallavi sachin Patil <pallavipatilawao@gmail.com>

 1 attachment (76 KB)

Kabutarkhana.pdf;

From: Sau. Pallavi sachin Patil <pallavipatilawao@gmail.com>

Sent: Sunday, August 10, 2025 11:55 AM

To: BHUSHAN ASHOK GAGRANI <mc@mcgm.gov.in>

Subject: Application under directions of Hon'ble Bombay High Court (Order dated 07.08.2025) for Permission to Feed Every Single Pigeon and Maintain Access to All Existing Kabutarkhanas and Feeding Spots with Protective and Humane Measures

To:

The Hon'ble Municipal Commissioner

Municipal Corporation of Greater Mumbai (MCGM), Mumbai – 400001

From:

Sau. Pallavi Sachin Patil

Petitioner – WPL/21199/2025

Animal and Birds Rights Activist

Contact: 9222220144

Email: pallavipatilawao@gmail.com

Subject:

Application under directions of Hon'ble Bombay High Court (Order dated 07.08.2025) for Permission to Feed Every Single Pigeon and Maintain Access to All Existing Kabutarkhanas and Feeding Spots with Protective and Humane Measures

Reference:

Writ Petition (L) No. 21199 of 2025 – Sau. Pallavi Sachin Patil v. MCGM & Ors. Order dated 07.08.2025 (Coram: G.S. Kulkarni & Arif S. Doctor, JJ.)

Respected Sir/Madam,

I, the undersigned, submit this application in pursuance of the **liberty granted by the Hon'ble Bombay High Court** to seek permission from the Municipal Corporation for feeding pigeons at their existing sites. The Hon'ble Court, while adjourning the matter to facilitate expert consultation, directed that any such application be considered after granting the applicant and relevant stakeholders an **opportunity of hearing and passing an appropriate, reasoned order in law.**

1. Prayer and Immediate Relief Sought

I respectfully request that MCGM:

1. **Permit feeding and watering of every single pigeon** at its **current natural and habituated location**, including but not limited to all:
 - Existing **kabutarkhanas** (whether officially recognized or not);
 - Traditional and naturally developed **feeding zones** where pigeons reside;
 - Residential or public spaces where pigeon colonies already exist;
2. **Ensure continued availability and unhindered access** to all above feeding zones, considering that many feeders are **senior citizens and women**;
3. **Establish water provision facilities** (troughs or shallow water bowls) for pigeons at their locations;
4. **Undertake regular sanitation and maintenance** through municipal departments to prevent accumulation of droppings or waste;
5. **Protect feeders from harassment, abuse, or violence** by individuals or groups who may oppose feeding activities. Protection mechanisms must include:
 - Public advisories that feeding is not illegal per se;
 - Prompt police response to complaints of feeder harassment;
 - Notices or signage clarifying permitted feeding locations;

6. **Not take coercive or penal action** against any bona fide feeders, pending the final report of the expert committee as ordered by the Hon'ble Court.

2. Scientific, Legal, and Constitutional Basis

A. Scientific Evidence in Support of Humane Feeding and Regulation

- Sudden withdrawal of food sources from feral pigeon populations causes **flight-related panic, injury, malnutrition, and unsanitary scavenging** in garbage zones and building areas.
- According to ornithological studies (Johnston & Janiga, *Feral Pigeons*, OUP, 1995), pigeons are **site-faithful, non-migratory**, and dependent on **consistent food and water supply**.
- The **absence of clean water** can lead to dehydration, disease transmission, and increase in territorial aggression. Water is **as essential as food**.

B. Legal Precedents and Animal Welfare Principles

- **Article 51A(g)** of the Constitution casts a fundamental duty on citizens to have **compassion for living creatures**.
- In *Animal Welfare Board of India v. A. Nagaraja* (2014) 7 SCC 547, the Supreme Court held that **animals have a right to live with dignity** and their protection is a state obligation.
- While public health concerns must be addressed, they must be balanced under **Article 21** to protect both **human and non-human rights** through **least restrictive measures**.
- In *People for Animals v. MCGM* (Bom HC, 2015), the Court recognized animal welfare obligations of municipal bodies under the **Prevention of Cruelty to Animals Act, 1960**.

C. Current Legal Context

- As per para 15 of the Hon'ble Bombay High Court's order dated 07.08.2025 in WPL/21199/2025, it is **lawful for the petitioner to apply** for permission and the **MCGM must pass a reasoned order** after hearing all stakeholders.
- The Court has **not declared feeding to be illegal** per se, and has instead ordered **formation of an Expert Committee** and referred to possibility of alternate mechanisms after hearing all concerned.
- In the interim, feeding at existing spots **must be maintained**, failing which starvation of birds may occur—resulting in a **clear case of avoidable cruelty**.

3. Appeal for Immediate Interim Arrangements

Pending the final report of the Expert Committee and any notified official feeding zones, it is most respectfully submitted that:

- **Existing feeding and watering practices** must be allowed to **continue without interruption** at their current locations;
- **Municipal support staff or sanitation contractors** be engaged to clean these areas daily or at least thrice weekly;

- **Designated signage or markings** may be provided to regularize these locations and discourage opposition by ill-informed residents or members of the public.

4. Without Prejudice

This application is filed **without prejudice** to my rights and contentions in the **Special Leave Petition (SLP) filed before the Hon'ble Supreme Court of India**, challenging the broader constitutional validity of the blanket ban and procedural unfairness in the said policy actions. All rights are reserved.

5. Request for Hearing

I humbly request that this application be considered urgently and that I be given an opportunity to be heard personally or through legal representation along with other bona fide feeders. The present matter is not adversarial in nature and must be approached from the perspective of **coexistence, compassion, and science-based regulation**.

Clarification and Final Appeal:

It is most respectfully submitted that the present Hon'ble Bombay High Court order dated 07.08.2025 pertains **exclusively to the issue of pigeon feeding** at kabutarkhanas and related locations. The proceedings and observations in WPL/21199/2025 are **specifically directed toward pigeon-related feeding regulation**, and do **not extend to the feeding or watering of other bird species** such as sparrows, crows, mynas, parrots, or end number of migratory birds.

Accordingly, it is urged that **feeding and watering of all other bird species** in public and private spaces **must continue unhindered**, and **no authority should obstruct** such feeding or take coercive action in respect of other birds, as they are **not covered** under the scope of this litigation.

That said, considering the **scientific rationale, the legal protections under the Constitution**, and the clear **absence of any conclusive expert finding justifying a total ban**, it is also humbly prayed that **feeding of pigeons be resumed immediately** in accordance with the points mentioned herein, with proper sanitation by the MCGM and cooperation between feeders and the authorities.

Lastly, under **Article 21 of the Constitution of India**, the **Right to Life includes the life and dignity of all living beings**, not just humans. This position has been reaffirmed by the Hon'ble Supreme Court in *Animal Welfare Board of India v. A. Nagaraja* (2014) and must guide all executive actions.

Therefore, it is my **humble and urgent request** that **no cruelty or starvation be inflicted upon pigeons by any means**, and that the Municipal Corporation and law enforcement agencies exercise their powers in a **compassionate, lawful, and scientifically responsible manner**, consistent with the constitutional values of this nation.

Enclosure:

Copy of the Order dated 07.08.2025 – WPL/21199/2025

Thanking you,

Sincerely,

Sau. Pallavi Sachin Patil

(Petitioner – WPL/21199/2025)

Date: 10th August 2025