

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9693 of 2013

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Swami Rakesh @ Rakesh Kumar S/O Sri Ram Anuj Sharma, Resident of
C/O Sri Jagdish Sharma Ramlata Niwas, Road No. 1, Chandmari Road, P.S-
Kankarbagh, Town And District- Patna- 800020

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner- Cum- Secretary, Department of Home Affairs, Government of Bihar, Patna.
3. The Ministry of Health and Family Welfare, Government of Bihar, Patna Through Its Principal Secretary.
4. The Ministry of Environment and Forest, Government of Bihar, Patna Through Its Principal Secretary.
5. The Ministry of Urban Development, Government of Bihar, Patna, Through Its Principal Secretary.
6. The Patna Municipal Corporation, Patna Through its Municipal Commissioner, Patna having its Office at Maurya Lok Complex, Dak Bungalow Road, Patna.
7. Bihar State Pollution Control Board through its Member Secretary, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : M/s. S N Pathak, Mr. Alok K Agrawal
For the State : Mr. Anjani Kumar, AAG 6
Mr. Sunil Kumar, AC to AAG 6
For Pollution Control Board: Mr. Shivendra Kishore, Sr. Advocate
Mrs. Binita Singh
For Patna Municipal Corporation : Mr. Prasoon Sinha

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CORAM: HONOUABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE I. A. ANSARI

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

23 05-01-2015

This writ petition has been filed in the nature of a Public Interest Litigation. The concern of the petitioner is the indiscriminate vending of meat and undertaking the activity of slaughtering of animal in unhygienic condition, affecting the public health. After the matter was placed before the Bench, several respondents have filed their counter affidavits indicating their respective stand. This Court had issued directions at various points of time, taking note of the progress in the matter.

On its part, the Patna Municipal Corporation has framed rules regulating the activity of slaughtering houses of animal and vending of meat. However, implementation of the rules is yet to be undertaken.

Heard Sri S N Pathak, learned counsel for the petitioner, Sri Anjani Kumar, learned AAG 6 for the respondent-State, Sri Shivendra Kishore, learned senior counsel for Pollution Control Board, and Sri Prasoon Sinha, learned counsel for Patna Municipal Corporation.

There is no denial of the fact that sale of meat must be in hygienic condition. Learned counsel for the respondents have prayed for some more period for implementing the regulation immediately since it involves the livelihood of quite a large number of persons. In that view of the matter, we feel that a decent balance needs to be struck between the public health on the one hand, and the livelihood of those depending upon the vending of meat on the other. It hardly needs any mention that public health is primary concern of Municipal Corporation.

We, therefore, dispose of the writ petition taking on record, the various steps already taken by the Municipal Corporation and directing the Patna Municipal Corporation as well

as the State of Bihar

- (a) to ensure that activity of the slaughtering of animal and vending of meat are regulated through permit/licence;
- (b) the rules which are already in place they shall be implemented, and if the rules touching any other aspects in this regard are to be framed, necessary steps in that direction shall be taken within two months from today; and
- (c) at any cost, the activity shall be brought under the new regime within a period of six months.

The writ petition stands disposed of accordingly.
Interlocutory Application, if any, shall also stand disposed of.
There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

(I. A. Ansari, J)

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