

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 673 OF 2015

Premium Chick Feeds Pvt. Ltd. & Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. C. G. Gavnekar, Advocate for the petitioners
Mr. D. R. More, APP for the respondent-State.

CORAM:-M.L. TAHALIYANI, J.
DATED : -24/02/2015

P.C.

Heard learned counsel for the petitioners and
learned APP for the respondent-State.

2 The petitioners challenge the order passed by the Sub-Divisional Magistrate, directing the petitioners to stop poultry farm known as Premium Chick Feeds Pvt. Ltd., situated at Hingangaon (Sulwasti), Taluka Phaltan, District Satara.

3 Admittedly the petitioners are running a poultry farm. It is admitted position that a notice was given to the petitioners to remove the nuisance and keep the premises clean. It is further

admitted position that reply was given by the petitioners to the said show cause notice. However, what is strange is that the order directing stoppage of poultry business is absolutely cryptic and without any reasons. It does not reflect that the Sub-Divisional Magistrate was satisfied that the poultry farm was not kept clean or the existence of poultry farm in the present condition amounted to nuisance. Unless reasons are recorded and the satisfaction of the Magistrate is reflected in the order, the order cannot be sustained.

4 Hence, the order passed by the learned Sub-Divisional Magistrate dated 23rd January, 2015, directing suspension/stoppage of poultry business of the petitioners is set aside.

5 The petition stands disposed of.

(JUDGE)

md.saleem