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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****WRIT PETITION (L) No. 618 of 2015**

Bhartiya Gauvansh Rakshan Sanvardhan Parishad ..Petitioner.

Versus.

The State of Maharashtra & (5) Ors ..Respondents.

**ALONG WITH
NOTICE OF MOTION (L) No. 178 of 2015
IN
WRIT PETITION (L) No. 618 of 2015**

Bhartiya Gauvansh Rakshan Sanvardhan Parishad ..Applicant.

IN THE MATTER BETWEEN :

Bhartiya Gauvansh Rakshan Sanvardhan Parishad ..Petitioner.

Versus.

The State of Maharashtra & (5) Ors ..Respondents.

**ALONG WITH
NOTICE OF MOTION (L) No. 186 of 2015
IN
WRIT PETITION (L) No. 618 of 2015**

Ali Ahmed Mohammed Sharif Shaikh ..Applicant.

IN THE MATTER BETWEEN :

Bhartiya Gauvansh Rakshan Sanvardhan Parishad ..Petitioner.

Versus.

The State of Maharashtra & (5) Ors ..Respondents.

**ALONG WITH
CHAMBER SUMMONS (L) No. 72 of 2015
IN
WRIT PETITION (L) No. 618 of 2015.**

Bomby Suburban Beef Dealer's Welfare

Association & Anr ..Applicants/Interveners.

IN THE MATTER BETWEEN :

Bhartiya Gauvansh Rakshan Sanvardhan Parishad ..Petitioner.

Versus.

The State of Maharashtra & (5) Ors ..Respondents.

Mr Raju Gupta a/with Mr Satyaprakash Sharma i/by Legal
Vision for the petitioner.

Mr Sunil Manohar Advocate General a/with Mrs Anjali Helekar,
AGP a/with Mr U.S.Upadhyay, AGP for Respondent Nos. 1, 2
and 5.

Mr A.Y. Sakhare, Senior Counsel a/with Mr M.M.Malvankar for
Respondent Nos. 3 and 6.

Mr Anil Singh ASG a/with Mr A.M. Sethna Mr N.K. Prajapati,
Mr Rajvi Thakkar for Union of India for Respondent No.7.

Mr Y.H. Muchhala, Senior Counsel a/with Mr Sagheer Khan.

Mr Sharique Nachan i/by Judicare Law Asso. Respondent No. 8

and 9.

Mr Sagar Batavia i/by Mr A.N. Giri for the applicant in Notice of Motion (L) No. 186 of 2015.

**CORAM : V.M.KANADE &
A.R. JOSHI, JJ.**

DATE : 23rd March, 2015.

PC.

1) By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking appropriate writ, order or direction for directing the respondents to implement the Maharashtra Animal Preservation (Amendment) Act, 1995.

2) Intervention Application was filed by the Bombay Suburban Beef Dealer's Welfare Association and another. It is submitted that since the Gazette Notification was made known to the Interveners on 9th March, 2015, it is to be considered that the said Act has come into force on 9th March, 2015. On the other hand, the learned Advocate General appearing on behalf of the State has submitted that the Gazette Notification was published on 4th March, 2015. A reliance was placed by the learned Counsel appearing on behalf of the Interveners on the judgment of the Apex Court in the case of **Collector of the Central Excise, V. New Tobacco Co. etc. etc.**, reported in AIR 1998 Supreme

Court 668. However, the learned Advocate General appearing on behalf of the State has invited our attention to the subsequent judgment of the Apex Court in the case of **Union of India and Ors Vs. Ganesh Das Bhojraj**, reported in **(2000) 9 Supreme Court Cases 461** in which the said judgment has been over ruled.

3) In our view, it is not necessary to go into the controversy regarding the date on which the Act has come into force since it is not in dispute now that the Act was passed in the Assembly and the assent was granted by the President of India on 26th February, 2015. Thereafter, it was published in the Government Gazette on 4th March, 2015 and Act now has come into force. Both the learned Counsel appearing for the Corporation have stated that they would be implementing the Act. In view of this, no further orders are required to be passed in this petition. Petition is accordingly disposed of.

4) All contentions of both the parties regarding the date on which the Act has come into force are kept open.

5) In respect of the grievance of the Interveners regarding the detention of any cattle loaded truck by the State or by the Police, it will be always open for them to challenge the said order of seizure, before the Appropriate Authority.

6) In view of the disposal of the main petition, Notice Motion (L) No. 178 of 2015 and Notice of Motion (L) No. 186 of 2015, Chamber Summons (L) No. 72 of 2015 are disposed of.

(A.R. JOSHI, J)

(V.M.KANADE,J)