

THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

THURSDAY, THE 1ST DAY OF OCTOBER 2015/9TH ASWINA, 1937

WP(C).No. 10300 of 2015 (J)

PETITIONER:

SANIL M.M., AGED 38 YEARS
MALIYEKKAL HOUSE, POOMALA P.O.,
SULTHAN BATHERY, WAYANAD.

BY ADV. SRI.G.PRABHAKARAN

RESPONDENTS:

1. THE SULTHAN BATHERI GRAMA PANCHAYATH
SULTHAN BATHERI
REPRESENTED BY ITS SECRETARY - 673 592.
2. THE SUB INSPECTOR OF POLICE
SULTHAN BATHERY, WAYANAD - 673 121.
3. THE SUB INSEPCTOR OF POLICE
MANANTHAVADY, WAYANAD - 670 645.
4. THE SECRETARY
NOOLPUZHA GRAMA PANCHAYATH, NAIKKATTI P.O.
WAYANAD – 673 592.
5. THE SECRETARY
MANANDAVADY GRAMA PANCHAYATH, MANANDAVADY P.O.
WAYANAD - 670 645.
6. THE SECRETARY
POOTHADY GRAMA PANCHAYATH, KENICHIRA P.O.
WAYANAD - 673 596.
7. MEENANGADI GRAMA PANCHAYATH
MEENANGADI P.O., WAYANAD - 673 591,
REPRESENTED BY ITS SECRETARY.
8. THE DISTRICT ANIMAL PROTECTION OFFICER OF THE DEPARTMENT
KALPETTA P.O., WAYANAD - 673 121.

ADDL.R9:THE DISTRICT MEDICAL OFFICER,
KALPETTA, WAYANAD – 673 121
(IMPLEADED AS PER ORDER DATED 10.4.2015 IN I.A.5464/15)

R2, R3, R8 & R9 BY GOVERNMENT PLEADER SRI V.K.RAFEEK
R7 BY SRI.ASHOK M.CHERIAN,SC,MEENANGADI GRAMA PANCHAYAT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S' EXHIBITS:

- P1 - TRUE COPY OF THE PANCHAYATH LICENSE FORM NO. IV WITH ITS LICENSE NO.1-14/15 DT. 21.5.14 ALONG WITH ANOTHER LICENSE WITH ITS NO.1-13/14 DT. 11.9.13 ISSUED BY THE 1ST RESPONDENT.
- P2 - TRUE COPY OF THE CONSENT OF POLLUTION CONTROL BOARD WITH ITS CONSENT NO. PCB/WND/ICO/510/2008 DT. 21.5.13.
- P3 - TRUE COPY OF THE LICENSE ISSUED BY FOOD SAFETY STANDARD AUTHORITY OF INDIA DT. 10.2.14.
- P4 - TRUE COPY OF THE INSPECTED AND SEALED BY THE VETERINARY DOCTORS DAILY AND SOME OF THOSE ENDORSEMENT.
- P5 - TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE RESPONDENTS DT. 13.11.14.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C)No.10300 Of 2015

DATED THIS THE 1st DAY OF OCTOBER, 2015

JUDGMENT

The petitioner, who is conducting a pork meat stall under the name and style 'M/s.Fresh Pork Stall' at Room Nos.340 C and D, in Survey No.398/9 in Sultan Bathery Village, has filed this Writ Petition seeking a writ of mandamus commanding the respondents to take steps on Ext.P5 representation so as to ensure that unauthorised, unlicensed and unhygienic pork meat is not brought for sale to Wayanad district from the neighbouring States.

2. Going by the averments in the Writ Petition, the petitioner is conducting the Pork Meat Stall on the strength of Ext.P1 licence issued by the 1st respondent-Grama Panchayat. The grievance of the petitioner is that pork meat in huge quantity is brought to Sulthan Bathery and Mananthavadi in extreme dirty and unhealthy conditions, even with foul smell from the neighbouring States. Due to inaction on the part of the authorities, the petitioner has submitted Ext.P5 representation before respondents 1 to 8 seeking their immediate interference.

3. By order dated 10.4.2015, this Court has directed the learned Government Pleader to get instructions and to file a statement as to the factual particulars and measures taken. It was also ordered that respondents 1 and 4 to 7 shall ensure that no unauthorised import/procurement/sale of pork meat is conducted by anybody within their area of jurisdiction.

4. A statement has been filed on behalf of the 8th respondent wherein it is stated that the officials in the Animal Husbandry Department is authorised only to check the import of live animals. The petitioner's complaint regarding import of pork meat has already been brought to the notice of the Police and Commercial Tax authorities then and there.

5. In **Kandha Samy v. Director of Dairy Development (2014 (4) KLT 589)**, a Division Bench of this Court (in which I was a party) has categorically held that the right to life includes right to healthy life, which is possible only if safe and unadulterated food is available for human consumption. Para.7 of the said judgment reads thus:

"7. The issue of food safety and right to have safe and unadulterated food is a matter of national as well as

international concern. We cannot ignore or overlook this reality. As right to life guaranteed under Article 21 of the Constitution would encompass a right to live with dignity, i.e., to have a healthy life, which is possible only if safe and unadulterated food is available for human consumption, any efforts made by the State and its authorities to achieve an appropriate level of protection to human life and health cannot be scuttled on the rigid technicalities as canvassed by the appellants.”

6. In the case on hand, the specific case made out in the Writ Petition is that huge quantity of pork meat is unauthorisedly brought to Sulthan Bathery and Mananthavadi in extreme dirty and unhealthy conditions from the neighbouring States, which adversely affects the health and safety of the general public. Though a counter affidavit has been filed on behalf of the 8th respondent, none of the Grama Panchayats, namely respondents 1 and 4 to 7 have chosen to file counter affidavits denying the allegations made in the Writ Petition. In addition to this, respondents 1 and 4 to 6 have not even chosen to enter appearance in spite of receipt of notice. Therefore, the averments in the Writ Petition stand uncontroverted.

In such circumstances, this Writ Petition is disposed of

directing respondents 1 and 4 to 7 to take necessary steps to ensure that no unauthorised or unlicensed import, procurement or sale of pork meat is conducted by anybody within the area of the respective Grama Panchayats.

No order as to costs.

Sd/-
ANIL K.NARENDRA,
JUDGE

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