

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 17252 of 2013 (F)

PETITIONER(S):

**SAJEER S., AGED 32 YEARS,
S/O. SAMATH, THALIPARAMBU, LAJANATH WARD,
ALAPPUZHA-688 001.**

BY ADV. SRI.K.L.JOSEPH

RESPONDENT(S):

- 1. ALAPPUZHA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, MUNICIPAL OFFICE,
ALAPPUZHA-688 001.**
- 2. THE HEALTH OFFICER,
OFFICE OF THE ALAPPUZHA MUNICIPALITY, M.O.WARD
ALAPPUZHA-688 001.**
- 3. NIZAR,
S/O. KOYA, PUTHEN PARAMBIL, VATTAYAL WARD,
ALAPPUZA WEST VILLAGE, ALAPPUZHA-688 016.**
- 4. THE DISTRICT ENVIRONMENT ENGINEER,
KERALA STAE POLLUTION CONTROL BOARD,
ALAPPUZHA-688 001.**

**R1 BY SRI.M.K.CHANDRAMOHAN DAS, SC
R3 BY ADVS. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
SMT.T.J.SEEMA
R4 BY ADV. SRI. M.AJAY, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 17252 of 2013 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- A TRUE COPY OF THE REPRESENTATION DTD. 25-6-2013 SUBMITTED BY
THE PETITIONER TO THE 1ST RESPONDENT.**

**EXHIBIT P1(A)- TRUE COPY OF THE STATEMENT FILED BY THE 3RD RESPONDENT
BEFORE THE AMBALAPPUZHAA LEGAL SERVICE AUTHORITY.**

**EXHIBIT P2- A TRUE COPY OF THE PROCEEDINGS IN PLP 174/2012 DTD. 10-11-2012
OF THE CHAIRMAN, AMBALAPPUZHA TALUK LEGAL SERVICES
COMMITTEE.**

RESPONDENT(S)' EXHIBITS:

ANNEXURE R4A: TRUE COPY OF THE REFUSAL ORDER SUBMITTED BY THE BOARD.

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 17252 of 2013

Dated this the 15th day of July, 2015.

JUDGMENT

The petitioner has approached this Court alleging that the first respondent municipality is colluding with the third respondent and permitting him to continue his illegal slaughtering and vending of meat without any valid clearance from the authority concerned.

2. The petitioner is living in Alappuzha Municipality. The petitioner alleges that the third respondent is conducting a meat stall in the name and style "Thriveni Beef Stall" under the respondent Municipality in an unauthorised building without valid licence from the municipality. As per the provisions contained in Section 453 of the Kerala Municipality Act, the third respondent constructed a building complex after obtaining licence from the respondent municipality. After obtaining building number he has extended the eastern side of the building by 4 meters by encroaching upon the retaining

wall of the drainage canal of the municipality. The third respondent is conducting the slaughter house without adhering to the mandatory norms for conducting slaughter houses. He is slaughtering animals indiscriminately and illegally in the meat stall and shops. The waste of the slaughtering is not being treated scientifically which causes irreparable injury and hardships to the people of the area. Valiakulam Juma Masjid mosque is only 30 feet away and the illegal slaughtering and meat stall causes undue hardships to the petitioner and the devotees alike. The petitioner and the likeminded people have submitted several representations to the respondent municipality to take appropriate action and to remove the illegal construction of the meat stall where unauthorised slaughtering is carried out. However, the respondent municipality is sleeping over the issue. As per Section 455 of the Act no person shall slaughter within a municipal area except in a public or licensed slaughter house. The respondent municipality does not discharge any of its statutory duty to prevent functioning of the unauthorised slaughtering of

animals and the sale of food from such meat as mandated by law. The petitioner further alleges that functioning of the meat stalls all over the country is under the strict surveillance of the Supreme Court. In order to regulate and control the function of the meat stalls and the vending of meats, the Supreme Court in W.P.(C) No.309 of 2003 has issued orders directing the Central Pollution Control Board to take effective measures to bring all the meat stalls under the supervision of the Pollution Control Board; it is alleged. Accordingly, the guidelines were issued by the pollution control board vide Circular No.PCB/HO/TAMS/20/2005 dated 27.5.2006 and 18.6.2007. Without complying with the conditions of the Pollution Control Board, the third respondent has filed a suit before the Munsiff's Court, Alappuzha seeking a prohibitory injunction against the Alappuzha Municipality from causing any obstruction or nuisance to him for his peaceful running of the above said meat stall. The petitioner has taken steps to get impleaded in the suit. The first respondent municipality is colluding with the third respondent to permit the third

respondent to continue his illegal slaughtering and vending of meat without any legal justification; it is alleged.

3. I have heard the learned counsel for the petitioner, the learned standing counsel for the respondent municipality and the learned standing counsel for the Pollution Control Board in the matter.

4. The learned standing counsel for the fourth respondent, who is the Kerala State Pollution Control Board had submitted a report stating that the third respondent has started a meat stall in the name and style M/s.Thriveni Beef Stall within the local limits of Alappuzha Municipality and the application dated 14.8.2012 for consent to operate was received by the Board on 10.9.2012. It is stated that the unit has failed to provide necessary pollution control measures in the unit and also failed to furnish the information regarding authorised slaughtering house from which the meat is collected for sale. It is further stated that during the inspection conducted on 7.11.2014, it was understood that the unit was closed and sealed by the local authorities and has not been

operational for around one year. It was also observed by the fourth respondent that the unit has not installed adequate pollution control measures to treat the solid waste as well as waste water generating from the unit. As the functioning of the unit would cause nuisance to the nearby residents, Annexure R4(a) refusal order dated 2.12.2014 was issued by the Pollution Control Board.

In the light of Annexure R4(a), this Court is of the view that the apprehension of the petitioner that the third respondent would function the slaughtering house and meat vending unit within the local limits of the respondent municipality, is not likely to happen. Therefore, the writ petition is closed in the light of the report submitted by the fourth respondent.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.