

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:15.05.2015.

Kuldeep Singh

.....Petitioner

v.

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ajay Jain,Advocate for the petitioner
Mr.Sandeep Singh Mann,Sr.DAG Haryana for respondents
1 and 2.
Mr.MK Verma,Advocate for respondents 3 to 5.

Jaswant Singh,J.(Oral)

Petitioner was engaged in the business of selling meat/chicken and its allied products from his shop under the name and style of M/s Kuldeep Chicken Corner situated at Kewal Bazar,Rewari, Tehsil and District Rewari.

It is submitted that since Municipal Council,Rewari was creating hurdles in the business of selling of meat/chicken in his shop, petitioner was constrained to file a suit for permanent injunction on 4.12.2001. The stand of the Municipal Council was that since the petitioner did not have a proper licence under the Haryana Municipal (Regulation of Sale of Meat)Bye Laws, 1976 (for short 1976 Bye Laws), therefore, in the light of Clause(3) of 1976 Bye Laws he could

not be permitted to sell meat in his shop. The suit was dismissed vide judgment and decree dated 31.1.2006 by the learned Additional Civil Judge (Senior Division)Rewari. The appeal filed by the petitioner/plaintiff also was dismissed vide judgment and decree dated 9.10.2007 upholding the decree. The Regular Second Appeal filed by the petitioner/plaintiff, however, was disposed of vide order dated 27.4.2010 as not pressed in view of agreement between the parties. The order dated 27.4.2010 reads as under:-

“During arguments the controversy between the parties has considerably narrowed down. It is agreed that the appellant shall make a proper application for a licence to sell chicken, to the respondents within one week from today and the respondents will consider the same as per law and till such time the application is decided, the appellant will not be restrained from running his business. In view of this agreement learned counsel for the appellant does not want to press this appeal.

Consequently this appeal is dismissed as not pressed in view of the above agreement between the parties.”

Since the application dated 7.5.2010(P-6) filed by the petitioner pursuant to the liberty granted vide order dated 27.4.2010 was not being decided and his shop was sealed on 9.1.2015 by the respondents under some alleged illegality under the provision of Prevention of Cruelty to Animals Act,1960, present writ petition has been filed seeking primarily the following prayer:-

“i) Issue a Writ, Order or Direction, especially a Writ in the nature of Mandamus directing Respondent no.2 to grant Licence to the Petitioner for selling Meat/Chicken and its allied products in consonance with Rule 3 of the Haryana Municipal

(Regulation of Sale of Meat) Bye Laws 1976 regarding which application was filed/submitted by the Petitioner on 7.5.2010 as per the directions issued by this Hon'ble Court while disposing of RSA No.711 of 2008 titled as Kuldeep Singh v Municipal Council, Rewari and others, and till such time the application filed/ submitted by the Petitioner for grant of Licence is processed, the Respondents be restrained from creating any hurdle in the business being run by the Petitioner.”

Upon notice, Deputy Commissioner, Rewari has filed his affidavit dated 18.1.2015 and a separate written statement has been filed by the Executive Officer, Municipal Council, Rewari on behalf of respondents 3 to 5. In short, it is stated that on a inspection carried out by a team headed by Sh. Naresh Kadian, Member State Committee for Slaughter Houses, on inspection of meat selling premises in the Municipal Council, Rewari found that there were 13 live chicken and one dead within the premises during inspection on 9.1.2015. The said Committee has been appointed pursuant to the orders passed by Hon'ble the Supreme Court for monitoring such illegal activities. It is further stated that while sealing the premises an FIR (Annexure R-1) has also been filed against the present petitioner. It is further averred that slaughtering within unlicensed premises and outside the Slaughter Houses is totally prohibited under the Prevention of Cruelty to the Animals (Slaughter House) Rules, 2001.

Be that as it may, after hearing counsel for the parties it is apparent that subsequently the Municipal Council, Rewari vide order dated 27.1.2015 has since decided the application dated 7.5.2010 of the

petitioner for grant of licence thereby refusing permission to sell meat in the premises being within the residential area. It is also not disputed that the aforesaid order dated 27.1.2015 has been challenged by the petitioner by filing separate CWP No.1605/2015. As regards the action under the two Acts, separate proceedings are pending.

In view of the above, therefore, this Court is of the opinion that the present writ petition in the light of prayer made has thus become infructuous.

Dismissed as infructuous.

15.05.2015.
joshi

(Jaswant Singh)
Judge