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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Judgment Reserved on: 14.10.2015

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Judgment Delivered on: 02.12.2015

+ **W.P. (C) No. 7663/2015, CM APPL. Nos.14958 &14960/2015**

HELP INDIAN AGAINST CORRUPTION (NGO) Petitioner

Through: Mr.Virender Kr. Mual, Mr.Deepanker
Mohan, Mr.Amit Chauhan and Mr.Prateek
Singh Ranga, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr.Satyakam, Addl. Standing Counsel for
R-1, 3 & 4.

Ms.Monika Arora, Standing Counsel with
Harsh Ahuja, Advocate for NDMC.

Insp. Man Mohan and SI Prakash Kumar
from P.S.Sadar Bazar.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

JAYANT NATH, J.

1. The present Public Interest Litigation is filed seeking a writ of mandamus directing respondent Nos. 2 to 4 to shut down/close/seal the illegal slaughtering of the animals in residential area of Kasab Pura, Idgah Road, Delhi. Other connected reliefs are also sought.

2. It is the case of the petitioner that it is a Non- Governmental Organisation registered with the Registrar of Society. Reliance is placed on judgments dated 18.03.1994 and 27.01.1995 titled *Menaka Gandhi v.*

Union Territory of Delhi & Ors., passed by this Court to contend that slaughtering of animals in the area of Kasab Pura, Idgah Road, Delhi is banned and illegal. It is urged that as per the said judgments, the slaughter house at Idgah Road, Delhi was ordered to be closed down. The entire slaughtering process was shifted to Ghazipur, Delhi.

3. It is the contention of the petitioner that despite the order of closure of the slaughter house by this Court, slaughtering work is still going on illegally at Idgah Road, Delhi at different places surreptitiously late in the night in connivance with the officials of respondent No.2/ North Delhi Municipal Corporation and also officials of Police Station - Sadar Bazar, Delhi. Reliance is placed on photographs and video which are said to capture the event of dumping the waste, loading of raw meat in the vehicles, etc. These show that the said illegal slaughtering of animals are still done in the residential area of Kasab Pura, Idgah Road, Delhi.

4. It is further urged that the slaughter work is being carried out in contravention of the Bye-laws framed pursuant to the order of this Court. Reliance is also placed on a representation/complaint dated 04.04.2015.

5. Respondent No.2/ North Delhi Municipal Corporation and respondent Nos.3 and 4/ Delhi Police through Commissioner of Police and the Station House Officer Police Station- Sadar Bazar, Delhi have respectively filed short affidavits. Perusal of these affidavits shows that both the functionaries are trying to shift the blame on each other.

6. Respondent No.2 in its affidavit has admitted that illegal slaughtering takes place in Kasab Pura area during the night hours. It is urged that the

animals are transported unauthorisedly in vehicles to Kasab Pura during the night for illegal slaughtering. It is further urged that these vehicles are checked by Delhi Police in coordination with Delhi Society for Prevention of Cruelty to Animals. It is also urged that the concerned Veterinary Services Department of respondent No.2 also conducts surprise inspection in the area during night hours and takes action against the persons involved in slaughtering animals by imposing fines. Details of such inspections are stated in the affidavit. It is further urged that the Kasab Pura area is very sensitive from law and order point of view and the officials of respondent No.2 cannot enter in this locality alone without police protection. Surprise inspections are conducted with Police force and whenever illegal slaughtering is found during such inspections, the premises have been sealed and fines have also been imposed.

7. Respondent Nos.3 and 4 have also in their affidavit admitted that some of the weak and poor meat traders could not shift their earning place. Hence, they have been found indulging in illegal slaughtering. It is also pointed out that whenever police receives complaint regarding illegal slaughtering, appropriate legal action is taken. Reliance is placed on Daily Diary Entries. It is also reiterated that Kasab Pura area is very sensitive from law and order point of view. It is pointed out that police assistance is provided whenever demanded by the Municipal Officers to conduct surprise raids.

8. We have heard the learned counsel for the parties and have gone through the material placed on record.

9. A perusal of the orders relied upon by the petitioner shows that this court on 18.03.1994 in *Menaka Gandhi v. Union Territory of Delhi & Ors* (*supra*) had made certain directions to improve the prevailing conditions in the larger public interest. Subsequently on 27.01.1995 this court had directed the closure of Idgah Slaughter House on or before 31.12.1995. The respondents were directed to set up a modern mechanised slaughter house providing adequate fresh, hygienic and wholesome meat.

10. A perusal of the affidavits placed on record by the respondents shows that they have admitted that despite there being a complete ban on slaughtering in Kasab Pura, Idgah Road, Delhi slaughtering is going on in the area. The stand is that efforts are being made to control/stop the same. However, it is obvious from the affidavits that despite efforts being made by respondent Nos.2 to 4, the illegal slaughtering has not been completely stopped. There is lack of co-ordination between the said two respondents.

11. In the light of the above circumstances, it is necessary for the respondents to take appropriate action with immediate effect to prevent/close the illegal slaughtering in the area of Kasab Pura at Idgah Road, Delhi.

12. We therefore, issue the following directions:

The Commissioner, North Delhi Municipal Corporation shall nominate an officer of the rank of Deputy Commissioner and the Commissioner of Delhi Police shall nominate an officer of the rank of Assistant Commissioner of Police. These two nominated officers, namely, the Deputy Commissioner of North Delhi Municipal Corporation and the Assistant Commissioner

of Delhi Police so nominated respectively, shall coordinate with each other and ensure that all steps are taken as per law to prevent/close illegal slaughtering in the area of Kasab Pura at Idgah Road, Delhi.

13. With above directions, the present Public Interest Litigation is disposed off. All the pending applications are also disposed off.

CHIEF JUSTICE

JAYANT NATH, J

DECEMBER 02, 2015

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