

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 12581 OF 2015

Abdul Razzaque Md. Ismaeel Qurashi
and others

...PETITIONERS

versus

The State of Maharashtra and others

...RESPONDENTS

.....
Mr. P.S. Pawar, Advocate for petitioner
Mr. B.V. Virdhe, AGP for respondents No. 1 and 2
Mr. N. N. Desale, Advocate for respondent No. 5 - Corporation
.....

WITH

**WRIT PETITION NO. 304 OF 2015
WITH
CIVIL APPLICATION NO. 14786 OF 2015**

All India Jamiat -Ul-Quresh,
A Social Organization of Indian
Quaresh Community Through
Its General Secretary

...PETITIONER

versus

The State of Maharashtra and others

...RESPONDENTS

.....
Mr. P.S. Pawar, Advocate for petitioner/Applicant
Mr. B.V. Virdhe, AGP for respondents No. 1 and 2
Mrs.S.M. Manlik (Deshpande) Advocate for respondents No. 3 and 4
Mr. N. N. Desale, Advocate for respondent No. 5 - Corporation
.....

**CORAM : S. V. GANGAPURWALA AND
K.K. SONAWANE, JJ.**

DATED : 13th JULY, 2016.

Order :-

1. Mr. Pawar, learned counsel for petitioners submits that the respondents have illegally allotted the shops of the present petitioners in the beef market to those, who are carrying the business in fish market.

According learned counsel, the same is illegal. In fact, respondents – authorities are duty bound to provide the facilities to the members of the petitioners – association. Respondents – authorities have illegally suspended beef licences of the members of petitioner-association without any basis and without any reason.

2. Learned counsel for petitioner submits that the respondents without making any alternate arrangement could not have closed down the slaughter house. Notice issued suspending licence is without following principles of natural justice. Action of closure of the slaughter house has directly affected the business of the petitioners and other similarly situated persons.

3. Mr. Desale, learned counsel for respondent – Municipal Corporation submits that the petitioners now are not entitled to do the business of beef, as the same is banned by the State Government. The shops in beef market was allotted to the persons doing business in fish market, as earlier area of fish market is allotted to Police Station. Shifting of slaughter house is in consonance with policy of the Government. Respondent-Corporation have made alternate arrangement by allowing the petitioners to carry on business of selling meat i.e. other than beef at slaughter house, Wadzai road survey No. 381. The petitioners can continue the business at old slaughter house Wadzai road Survey No. 381 for selling meet and other products as per licence.

4. We have also heard learned counsel for respondent – Pollution Board and learned Assistant Government Pleader for respondents – authorities. There is no dispute that sell of beef itself is banned and as such petitioners cannot claim any right to carry on the business for sale of

beef.

5. In view of the fact that earlier area of beef market is allotted to fish market and the respondent - Corporation has made alternate arrangement thereby allowing the petitioners to carry on business of selling meat and other items except beef at old slaughter house Wadzai road as stop gap arrangement till new slaughter house is constructed. The grievance of the petitioners to larger extent stands redressed.

6. Statement made by respondent – Corporation allowing the petitioners to carry on business of selling meat and other products except beef at old slaughter house at Wadzai road is accepted. It is also submitted that as and when funds are received new slaughter house would be constructed as expeditiously as possible, wherein preference would be given to accommodate the petitioners. As respondents have permitted the petitioners to carry on the business at old slaughter house at Wadzai Survey No. 381 for selling meat and other items except beef, order of suspending licence of the petitioners would not survive. The petitioners/ its members can apply for renewal, which application would be considered by respondent No. 3. Naturally, the petitioners would not have right to sell the beef.

7. Writ petition accordingly stands disposed of. No costs.

8. In view of disposal of writ petition, pending civil application does not survive and stands disposed of accordingly.

Sd/-

Sd/-

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]