

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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Writ Petition No.4621 of 2012

ORDER:

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This writ petition, under Article 226 of the Constitution of India, is filed seeking the following relief/s:

‘...to issue direct or directions, order or orders, writ or writs particularly one in the “Writ of Mandamus” declare the action of the 3rd respondent in establishing Slaughter house in AMG colony at Dudduvari Agraharam of Amalapuram Municipality is illegal, Arbitrary and violative of Article 14 and 21 of Constitution of India consequently direct the Respondents not to establish the Slaughter House in AMG Colony, Dudduvari Agraharam of Amalapuram Municipality and to pass such other orders....’

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the writ petitioner, the learned Standing Counsel appearing for the 3rd respondent Municipality and the learned Standing Counsel appearing for the A.P Pollution Control Board representing the respondents 4 and 5. I have perused the material record.

3. The grievance of the writ petitioner is that the 3rd respondent Municipality is establishing a Slaughter house in an area covered by residential houses and that despite representations raising objections for establishment of the said Slaughter house in a place which is surrounded by residential houses, the Municipality is further proceeding with its establishment and, therefore, the action of the 3rd respondent Municipality in establishing the Slaughter house at AMG Colony, Dudduvari Agraharam of Amalapuram Municipality is illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India. In the writ petition, it is also *inter alia* pleaded that about five years back the

Government have issued pattas to weaker sections belonging to 'Kalavanthulu' for their residential colony in Sy.Nos.175, 174 and 172 etcetera which are surrounded by Sy.No.175 and that Ward No.26 had also been assigned to that area at the time of reorganisation of the Wards and that one social organisation called 'Kamakshi Peetam' had established Hindu burial ground called 'Kamakshi Moksha Mandir' fully funded by the social organisation in the same survey number.

4. The 3rd respondent Municipality had filed a counter affidavit stating *inter alia* as under: 'The Slaughter house was earlier established by the side of the market yard. As the same was by the side of the residential houses, it was shifted to AMG Colony. At the present place, the construction of the Slaughter house was already completed and the same was inaugurated on 09.02.2012. For the reason that the earlier place of the Slaughter house has become a densely populated area, the same was shifted and the new Slaughter house was established at the present place. The existing Slaughter house, which was established in the public interest, with the capacity of 25 to 30 sheep and goats, does not cause any inconvenience to any person. Except making allegations that nuisance and health problems will be caused, the petitioners could not state any valid grounds in support of the relief claimed in the writ petition. After a resolution was passed by the Municipality on 18.06.2010 for construction of the Slaughter house in the burial ground with estimated cost of Rs.10 Lakhs from out of the municipal general funds, tenders were called for and the work was entrusted to a Contractor and the work was completed. No constructions are now in progress. If the Slaughter house is not allowed to function and the slaughtering takes place in open places in the village, it would cause inconvenience to public at large and the public at large would suffer. The existence of the established Slaughter house will protect the public interest in all respects.'

5. The learned counsel for the writ petitioner and the learned Standing Counsel appearing for the 3rd respondent Municipality made submissions in line with the pleadings, which are extracted supra, in detail.

6. The learned Standing Counsel appearing for the respondents 4 and 5 would submit that a complaint was made by the residents of AMG Colony, Dudduvari Agraharam of Amalapuram on 28.04.2012 against the establishment of Slaughter house by Amalapuram Municipality and that in that complaint it was *inter alia* stated that the said unit is causing health problems and nuisance on account of foul odour emanating from the place and that on that the officials of the Pollution control Board had inspected the Slaughter house on 04.05.2012 and that such inspection revealed the following facts: "That the Pollution Control Board has not received any application from the Municipality for establishment of a Slaughter house; the Slaughter house was constructed by the Municipality in February 2012 and that the same is existing in an extent of 100 Square yards and that slaughtering activity or operations are being carried on manually and not in mechanised manner and that the water is being collected in a pit and is being discharged into a drain through pipe line and that effluent treatment plant is not established for treating the water and that water was perceptible within the subject premises. Subsequently few notices were issued to the Municipality; By the notice dated 12.12.2012 the A.P. Pollution Control Board had directed the Municipality to follow certain directions viz., (1) The Municipality shall apply immediately for the consent from the Board for the establishment of Slaughter house; (2) The Municipality shall construct Effluent Treatment Plant (ETP) for treatment of the effluents by 31.08.2013; (3) The Municipality shall maintain good housekeeping at the slaughter house; (4) The Municipality shall construct a compound wall around the Slaughter house; (5) Greenbelt shall be provided along the Boundary of the slaughter house; (6) The Slaughter house shall not

cause any smell nuisance in the surrounding area.” His further submissions are as follows: ‘Notices were thus issued to the Municipality for establishing and operating the slaughter house without obtaining sanction from the Pollution Control Board and also without establishing effluent treatment plant for treating waste water and for discharging the effluent into the nearby drain. After notices that were issued earlier, further notices dated 02.02.2015 and 31.12.2015 were also issued and that *vide* such notices, the Pollution Control Board had issued directions to Amalapuram Municipality under the Provisions of the Air (Prevention and Control of Pollution) Amendment Act, 1987 and Water (Prevention and Control of Pollution) Amendment Act, 1988. Though the Commissioner of Amalapuram Municipality had submitted a detailed project report for establishment of effluent treatment plant, no such construction was undertaken so far and that the project was not implemented. Therefore, the Municipality was once again reminded by notices to comply with the directions earlier issued.’

7. I have perused the copies of the documents, which are referred to supra in the submissions of the learned Standing Counsel appearing for the respondents 4 and 5, which are made available to the Court.

8. I have bestowed my attention to the facts and the submissions. From the facts and the submissions, it emerges that the Slaughter house was established by the Amalapuram Municipality, the 3rd respondent, at AMG colony, Dudduvari Agraharam of Amalapuram Municipality and that it was inaugurated and that at the time of establishment of such Slaughter house, the Municipality did not make an application to the Pollution Control Board and did not obtain sanction/consent for establishment of the Slaughter house and that Slaughtering activity is being carried on manually in the Slaughter house and that effluents are being discharged into a drain through a pipe line and that effluent treatment plant is not constructed for treating the water and that water

was perceptible within the subject premises and that, therefore, the Municipality had failed to follow the provisions of the aforementioned enactments and the directions and norms, which are directed by the Pollution Control Board to be followed in the matter. Viewed thus, this Court finds that there is merit in the writ petition.

9. In the result, the Writ Petition is allowed. The 3rd respondent Municipality is directed not to allow any slaughtering activity or slaughtering operations to be carried on in the established Slaughter house unless and until necessary compliances as per the aforementioned enactments are made and necessary clearances and permissions are obtained from the A.P. Pollution Control Board as required in strict accordance with the procedure established by law. It is made clear that unless the A.P. Pollution Control Board accords permission and gives clearances as per the provisions of the statutes, the subject Slaughter house already established by the Municipality shall not function and the municipality shall not allow any slaughtering activity/operations at that place. Any such activity/operations shall only be started in the subject Slaughter house on strict compliance of all the statutory norms and the directions that may be given by the Pollution Control Board.

There shall be no order as to costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

27.01.2016

Vjl