

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

**Civil Writ Petition No. 20439 of 2015
Date of Decision: 27.8.2016**

Rahees Quareshi and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Deepkaran Dalal, Advocate
for the petitioners.

Mr. R.K. Doon, AAG, Haryana.

Mr. R. D. Bawa, Advocate
for respondent No.2.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against alleged abrupt sealing of the business premises of the petitioners vide Annexure P-1, wherefrom they were selling meat, petitioners have approached this Court by way of instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned order 25.6.2015 (Annexure P-1).

Notice of motion was issued and in compliance thereof, written statement on behalf of respondent No.3 was filed. Thereafter, affidavit dated

Amit Kumar
2016.08.29 18:09
I attest to the accuracy and
authenticity of this document

15.2.2016 was also filed on behalf of respondent No.2.

When the case came up for hearing on 16.2.2016, following order was passed by this Court.

“An affidavit has been filed by respondent No.2 indicating that a site has been chosen to set up a modern abattoir for slaughtering animals in a controlled and scientific manner and to adhere to the pollution norms as well.

Learned counsel for the petitioners contends that such a process of setting up of slaughter house is likely to take some time and thus, they be permitted to carry out trade in meat. He states that petitioners are willing to furnish an undertaking that they will not slaughter the animals.

In the considered view of this Court, this prayer ought to have been made before the Municipal authorities. Let the petitioners approach the respondent/authorities with a prayer in this regard in which eventuality the same shall be answered by the respondents within two weeks from the date of receipt of such representation. In case the respondents wish to place any safeguards on the petitioners while accepting the prayer, the same may be made a part of the undertaking to be furnished by the petitioners. It is made clear that responsibility to take a decision would be of the respondent/authorities as would be their responsibility to enforce compliance of their own conditions that they might like to impose upon the petitioners in the event of accepting their prayers.”

Learned counsel for the petitioners submits that in compliance of the abovesaid order, all the petitioners submitted their applications, they were heard by the competent authority and thereafter, order dated 22.3.2016 was passed by Joint Commissioner, Municipal Corporation, Faridabad, Old Zone vide Annexure R-1, which was placed on record by way of CM-4230-2016.

Operative part of the order dated 22.3.2016 reads as under:-

“The petitioners have been clarified that they shall

be allotted meat shop and allowed to use slaughter house when it shall be completed and if it is applied by the petitioners or by some other persons so interested in accordance with law and rules. The petitioners have been further explained that till construction of slaughter house they can apply before the appropriate authorities to grant them permission to run the meat shop. The appropriate action shall be taken or their application in accordance with law and rules.”

Learned counsel for the petitioners have fairly stated that petitioners are ready and willing to abide by the terms and conditions which shall be put forth by the respondent authorities. He further submits that petitioners have already submitted appropriate applications, undertaking that they shall not slaughter animals at their existing business premises. However, he prays for direction to the respondent authorities to de-seal the shops of the petitioners till alternate arrangement is made and petitioners are allotted meat shops, so that they may keep on earning their livelihood by doing their business from the existing business premises of the petitioners.

Faced with the above, learned counsel for the respondent-Municipal Corporation also fairly states that since the petitioners have already submitted appropriate applications, the same shall be considered and decided by the Commissioner, Municipal Corporation, Faridabad-respondent No.2 at an early date and in any case within a period of three weeks from today. He prays for disposal of the present writ petition, by issuing appropriate directions.

In view of the abovesaid respective stands taken by learned counsel for the parties, present writ petition is disposed of with a direction to respondent No.2 to consider the pending applications of the petitioners

immediately and pass an appropriate order thereon, strictly in accordance with law, but in any case within a period of three weeks from today. It is also directed that the petitioners shall be permitted to carry out their business activities, by de-sealing their existing business premises forthwith till appropriate alternate arrangement is made by setting up a new market. These directions are being issued keeping in view the facts and circumstances of the case and also to ensure that the only source of livelihood of the petitioners may not be taken away. It goes without saying that respondent authorities would be at liberty to put any reasonable terms and conditions on the petitioners, however, in accordance with law.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

Let a copy of this order, under the signatures of the Special Secretary, attached to this Bench, be given dasti to learned counsel for respondent No.2, for onward transmission to concerned authority, for compliance thereof.

(RAMESHWAR SINGH MALIK)
JUDGE

27.8.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No