

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12754 of 2016

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Anju Mishra, advocate Patna High Court, resident of Mahaveer Colony, Anisabad,
Beur, Patna-2.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna.
2. The Secretary of Animals and Fisheries, Govt. of Bihar, Patna.
3. The Bihar State Pollution Control Board.
4. The Convener, Bihar State Committee (for monitoring slaughter Houses in the State)
5. The Bihar State Animal Welfare Board.
6. The Commissioner, Patna Municipal Corporation, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs Anju Mishra (in person)
For the State : Mr. Gyan Prakash Ojha, GA 7
For Patna Municipal Corporation : Mr. Prasoon Sinha, Advocate
For Pollution Control Board : Mr. Shivendra Kishore, Sr. Advlcate
Ms. Binita Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-09-2017

The petitioner appears in person.

This is a Public Interest Litigation filed by the petitioner who is a practicing Advocate before this Court and the relief claimed in the writ petition is that a mandamus be issued to the respondents commanding them to close down all hutments, shops etc. which are slaughtering animals and chickens in public view, particularly in National Highways, State Highways, Municipal roads and village roads. The petitioner contends that



mandamus should be issued commanding the respondents to execute the orders and directions issued by the Supreme Court in the case of **Laxmi Narayan Modi vs Union of India [Writ Petition (Civil) No. 309 of 2003]** Annexure-1 to the writ petition. In sum and substance, the grievance of the petitioner is to command the respondents to implement the entire directions issued by the Supreme Court in the case of **Laxmi Narayan Modi** (supra).

The writ petition was filed on 27.07.2016 and the respondents have filed a detailed affidavit. Today our attention is invited to the supplementary counter affidavit filed on 21.08.2017 on behalf of the respondent-Union of India, wherein it is indicated that in compliance to the order passed by the Hon'ble Supreme Court on 17.02.2017 disposing of a batch of petitions titled "Common Cause vs. Union of India", Writ Petition (C) No. 330 of 2001; with Petition (Civil) No. 44 of 2004; Contempt Petition (C) No. 124 of 2015 in W.P. (Civil) No. 309 of 2003 (**Laxmi Narayan Modi vs Union of India**) (supra) directions have been issued by the Supreme Court vide Annexure R/1/B and in pursuance to the same the Government of India in the Ministry of Environment, Forest and Climate Change, on 8th March, 2017, has directed the Chief Secretary to the Govt. of Bihar, Patna, to take action in the



matter. In a detailed counter affidavit filed it is indicated that action has been taken with regard to the issue in question and the State Slaughter Committee has already been constituted in the State of Bihar and steps are being taken in the matter in compliance with the order passed by the Hon'ble Supreme Court in the contempt proceeding and action thereafter is in progress not only in the State of Bihar but elsewhere.

Once in pursuance to the order passed by the Supreme Court on 17.02.2017 in the cases referred to hereinabove the State Government has already taken action and we are informed that the matter is being monitored by the Union of India and the Hon'ble Supreme Court has clearly indicated that in the event of non-compliance with the Indian Standard, other rules and regulations, the petitioners are entitled to approach the concerned District Collector or the judicial authorities bringing to the notice specific instance of violation, we see no reason to make any indulgence now in this Public Interest Litigation. On the contrary, now in the light of the orders passed by the Supreme Court specific instance of violation has to be agitated by filing complaints before the District Collector or the judicial authorities in the district concerned showing violation of the statutory provisions.

Accordingly, in the light of the aforesaid consideration



we dispose of the writ petition with liberty to the petitioner to take recourse to the remedy of making complaint pointing out specific instance of violation of the statutory provision before the appropriate authorities as observed by the Supreme Court in its order dated 17.02.2017.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

mrl.

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19/09/2017
Transmission Date	N.A.

