

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.3430 OF 2011

ORDER:

The relief sought for in this Writ Petition is to issue a mandamus to declare the action of the respondents in imposing unreasonable restrictions on the movement of the petitioners' cows, by not allowing them to be taken to the fields and tanks for getting fodder and water, as illegal and arbitrary; and to direct the respondents not to initiate criminal cases against the owners of the cows, for rearing cows within the limits of Kakinada Municipal Corporation.

In his counter-affidavit, the Municipal Commissioner states that a person can use his place or premises for running a dairy, or any cattle shed for the purposes of sale of any cattle products, subject to a licence being obtained from the Municipal Corporation under the Municipal Corporation of Hyderabad Bye laws (Inspection of Milch-Cattle Construction of cattle – sheds and Dairies, Protecting of Milch-Cattle and Milk against-Contamination Bye-Laws), 1964; the petitioners did not obtain any such licence; while the first petitioner has 15 buffaloes and 10 cows in his small house, the second petitioner has 10 cows; as there was no place in his house, he was keeping them on the roads; Section 407 of the HMC Act enables the Corporation, with the help of the police, to remove the animals which are causing nuisance on public roads; without following the bye laws and the rules, no person can maintain a Dairy/Cattle shed; and it is the duty of the owner to keep the

animals within his authorized premises, and maintain them in a hygienic condition.

As the prescribed Bye laws required a licence to be obtained from the Municipal Corporation for maintaining cattle, and for carrying on dairy business, even if it be within their residence, the respondents cannot be faulted for taking action against the petitioners on their failure to obtain a licence. Suffice it, while dismissing the Writ Petition, to leave it open to the petitioner to apply for, and obtain, a licence from the Municipal Corporation; and, thereafter, carry on business in terms of the licence, if any, granted by the Municipal Corporation.

Subject to the aforesaid observations, the Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.



RAMESH RANGANATHAN, ACJ

Date: 15.12.2017.

MRKR