

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

CWP No.6989 of 2015
Date of decision : 19.05.2017

Satish and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

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

Mr. Rajbir Singh, AAG, Haryana.

Mr. Jatinder Nagpal, Advocate for respondent No.3.

AMIT RAWAL, J. (Oral)

The petitioners have knocked the door of this Court seeking following relief:-

“For issuance of a writ in the nature of certiorari for quashing the notice dated 11.02.2015 issued by the respondents herein for closing the shops of the petitioners made on the extraneous consideration which is liable to be set aside being illegal and arbitrary and violative of Article 19(1)(g) of the Constitution of India. Further for issuance of a writ of mandamus directing the respondents to make the existing slaughterhouse operational with all statutory facilities and further directions for construction of additional slaughterhouses, shops and such infrastructure for proper and effective rehabilitation of the petitioners.

Still further directions to the Deputy Commissioner, Palwal for ensuring that the lives and property of the petitioners is not threatened.”

The case of the petitioners in the present writ petition is that the slaughterhouses within the Municipal limits of Palwal have been closed and they moved application for issuance of licence but no action has been taken, thus, there is violation of Article 19(1) (g) of the Constitution of India.

On the contrary, Mr. Jatinder Nagpal, learned counsel appearing on behalf of Municipal Committee, Palwal-respondent No.3 submits that Committee has already dedicated 2 acres of area where out of 45 shops, 23 shops had already been erected. The petitioners had already deposited certain amount, according to the submissions made by the learned counsel for the petitioner.

Contention is that there is neither any facility of water, drainage, much less, electricity and, therefore, petitioners are unable to move.

The counsel for the petitioners submits that instead of appointing the Local Commissioner, petitioners would be willing to go to the dedicated place provided the Municipal Committee should issue their licence.

This proposal of learned counsel for the petitioners has not been denied by Mr. Nagpal, Advocate.

Resultantly, present writ petition is disposed of with a direction to Municipal Committee that in case the petitioners who have already deposited certain amount regarding allotment of shops in dedicated area

meant for slaughterhouses subject to the compliance of the Rules, Bye Laws and the statutory provisions of Haryana Municipal Act or other provisions as applicable and are willing to shift their place, respondent-Municipal Committee shall issue their licence as per the provision of Section 170 of the Haryana Municipal Act and also provide facilities as submitted on behalf of petitioner, in order to prevent air or water pollution, much less, stink.

With the aforementioned observations, present writ petition stands disposed of.

19.05.2017

Pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No