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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 492 of 2017**

{Arising out of order dated 23.08.2017 passed in Writ Petition (C) No. 118 of 2017 by the learned Single Judge}

Hazi Sahbuddin Quresi, President Matan Vyapari Sangh Raipur S/o Mohd. Mahmood Quraishi Aged About 41 Years, R/o Sanjay Nagar, Raipur Tahsil And District Raipur Chhattisgarh

---- Appellant**Versus**

1. Municipal Corporation Raipur Through Commissioner, Municipal Corporation Raipur Tahsil And District Raipur Chhattisgarh
2. The Commissioner, Municipal Corporation Raipur Tahsil And District Raipur Chhattisgarh
3. Regional Pollution Control Board, Commercial Complex, Chhattisgarh Housing Board Colony, Kabir Nagar, Raipur Tahsil And District Raipur Chhattisgarh
4. The Health Officer, Municipal Corporation Raipur Tahsil And District Raipur Chhattisgarh
5. State Of Chhattisgarh, Through Chief Secretary, Mahanadi Bhawan, Naya Raipur Chhattisgarh

---- Respondents

For Appellant	: Shri Pankaj Singh, Advocate.
For Respondent/Corporation	: Shri Pankaj Agrawal, Advocate.
For Respondent No. 3/Board	: Shri Sudhir Kumar Bajpai, Advocate.
For Respondent/State	: Shri Faiz Kazi, Panel Lawyer

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per Ajay Kumar Tripathi, Chief Justice****25/02/2019**

1. Heard learned counsel for the parties.
2. In a writ application filed on behalf of the Appellant, who was also the Petitioner, the learned Single Judge passed the following order:

30. Be that as it may, since the impugned non-establishment of new slaughterhouse after closure of old slaughterhouse has affected the rights of the petitioner Association and its members thereof to carry-on their trade and business in meat, which is violative of their fundamental right to carry-on trade and business guaranteed under Article 19(1)(g) of the Constitution of

India, as they are dependent on the running of slaughterhouse for their livelihood, it is directed that the Collector, Raipur will allot land to the Municipal Corporation, Raipur for the said purpose, as has been said by Mr. Arun Sao, Deputy Advocate General, within three weeks from the date of receipt of a copy of this order and thereafter, the Corporation will establish slaughterhouse, as statutorily mandated under Section 257 of the Chhattisgarh Municipal Corporation Act, 1956, and thereafter, the Chhattisgarh Environment Conservation Board / other competent authority will also grant necessary permission / license for running of slaughterhouse in accordance with law. The said project will be completed within a period of six months from the date of receipt of a copy of this order.

31. Since it is the statutory duty of the Municipal Corporation to establish slaughterhouse under Section 257 of the Chhattisgarh Municipal Corporation Act, 1956, and the members of the petitioner Association are deprived of their fundamental right to carry trade and business of sale of meat etc., and deprived of their right to livelihood which is included in right to life guaranteed under Article 21 of the Constitution of India, it is directed that the Secretary and the Special Secretary of the Department of Urban Administration and Development; the Collector, Raipur; and the Commissioner, Raipur Division, Raipur, shall oversee the issue of establishment of slaughterhouse within the aforesaid period and see that slaughter-house is established in fact and persons eligible are allowed to carry-on their trade and business guaranteed under Article 19(1)(g) of the Constitution of India."

3. Since there was no compliance or adherence to the time frame laid down by the learned Single Judge, appeal has been preferred with a grievance that the members of the Association are now being deprived of their livelihood since the State authorities have closed down the old slaughter house and the new one is not yet in place. In this background, the Division Bench, vide the interim order dated 19.12.2017 allowed operation of the old slaughter house till the new one is put in place.
4. Learned counsel representing the Raipur Municipal Corporation has explained the steps which have been taken since then and the difficulty coming in the way in compliance of the directions of the learned Single Judge because of lack of response and enthusiasm being shown despite several tenders having been issued in the past.

5. There is also an indication that one of the last of the tenders so invited on PPP mode, one person has responded but he has also expressed certain reservation by making the offer conditional.
6. Keeping the above situation into consideration, the writ appeal is disposed off with an observation that the members of the Association will continue with their profession by the interim protection which was granted by the Division Bench till the new slaughter house in question is set up and made functional by the Respondent-Municipal Corporation.
7. We are not going into the issue whether the State Government will have to do the funding or some other mode and modality for such funding has to be found. That is the lookout of the Municipal Corporation and the State in terms of the directions of the learned Single Judge, passed in the order dated 23.08.2017.
8. The appeal is disposed off. The Court would surely like to remind the Respondent authorities that the judicial order and direction for compliance cannot be stretched indefinitely.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE