

Santosh

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO. 732 OF 2018

Quraishi Meat Traders Association

& Anr.

.....

Petitioners.

V/s.

State of Goa and another.

.....

Respondents.

Mr. Y.V. Nadkarni, Advocate for the Petitioners.

Mr. Deep Shirodkar, Additional Govt. Advocate for Respondent No.1.

Mr. J. Abreau Lobo, Advocate for Respondent No.2.

Coram : M.S. Sonak &
Prithviraj K. Chavan, JJ.

Date : 2 February 2019.

P.C.:

1. Heard Mr. Y.V. Nadkarni for the Petitioners, Mr. Deep Shirodkar for Respondent No.1 and Mr. J.A. Lobo for Respondent No.2.

2. The Petitioner seek a writ of mandamus to the Respondents to make the Goa Meat Complex at Usgao, which is the only place notified as “authorised place” for slaughter of animals under Section 5 of the Goa Animal Preservation Act, 1995 (said Act) operational, as expeditiously as possible.

3. This Court by a detailed Judgment and Order dated 22 July 2016, in Writ Petition No.296/2013, issued the following directions, precisely in the context of making the Goa Meat Complex operational as expeditiously as possible, after complying with all the guidelines and relevant provisions of law :

“(I) The Respondent nos. 1 and 2 are accordingly directed to make the Goa Meat Complex operational as expeditiously as possible after complying with all the guidelines and the relevant provisions of law in the light of the observations made herein above on or before 30.09.2016 and file a compliance report thereof.

(II) Slaughtering of Animals at the Goa Meat Complex shall be carried out strictly in accordance with the provisions of the Preservation of Cruelty to Animals Act, 1960, The Goa Daman and Diu Prevention of Cow Slaughter Act 1978, the Goa Animal Preservation Act, 1995 and the Rules framed thereunder.

(III) Needless to say, that no animal shall be slaughtered without obtaining the certificate from the Competent Authority in terms of Sub-section (2) of Section 4 of the Goa Animal Preservation Act, 1995 as well as Slaughter House Rules, 2001 in the light of the observations made herein.

(IV) The Competent Authority and the Veterinary Doctor in terms of the Preservation Act of 1995 and the Slaughter Rules of 2001 respectively shall issue certificates in the light of the observations made herein above in accordance with law.”

4. The record indicates that Respondents No.1 and 2, in compliance with the aforesaid directions, actually made operational the Goa Meat Complex with effect from 30 September 2016. Operations at the Goa Meat Complex, thereafter continued without encountering any sort difficulties upto 30 September 2017. However, from 1 October 2017, the operations at the Goa Meat Complex once again stopped. It is the case of the Petitioners that on account of such stoppage, the members of Petitioner No.1 and Petitioner No.2 were prevented from practising their trade of fresh meat which is their sole source of income and sustenance. After making representations, the Petitioners instituted the present Petition sometime in July 2018.

5. In response to the Petition, Dr. Santosh V. Dessai, the Director of Animal Husbandry and Veterinary Services has filed an affidavit on behalf of Respondent No.1. In this Affidavit Dr. Dessai has stated that the responsibility of making operational the Goa Meat Complex is that of Respondent No.2. He has also stated that the State Government, through the Department of Animal Husbandry and Veterinary Services, has posted an Officer who is the competent authority to perform the functions assigned to him under the said Act and other statutory provisions. He has stated that the competent authority is posted at the antemortem cell and has continued to function there on regular basis.

6. The affidavit also states that during the festival of *Eid* which was celebrated on 22 August 2018, slaughtering of animals in fact took place at the Goa Meat Complex which was made operational since August 2018. The affidavit finally states that the Competent Authority posted at the Goa Meat Complex always performs his functions and shall continue to do so in accordance with law.

7. Dr. R.H. Prabhugaonkar, Managing Director of the Goa Meat Complex has filed an affidavit on behalf of Respondent No.2. Paragraphs 5 and 6 of his affidavit read as follows :

“ 5. I say that the Petition is infructuous as the abattoir of the Goa Meat Complex at Usgao, Ponda, is presently operational, and all the requisite licences/permissions have been obtained in terms of law, and the same are valid and subsisting.

6. I say that the Respondent No.2 had been constrained to suspend slaughter operations in November 2017 as certain licences had expired, and the same were pending renewal. I say that the said licences have thereafter been renewed and slaughter operations have duly commenced from August 2018 onwards.”

8. The affidavit points out that that the operations at the Goa Meat Complex had to be suspended between November 2017 and August 2018 as certain licences required for operations had

expired and renewal orders were awaited. He has referred to the licence from the Goa State Pollution Control Board, Inspectorate of Factories and Boilers and licences under the Food Safety and Standards Act, 2006.

9. In terms of the directions issued by us in the Judgment and Order dated 22 July 2016 in Writ Petition No.296/2013, the Respondents No.1 and 2 are obliged to operate the Goa Meat Complex, no doubt, after obtaining necessary approvals and licences from all the statutory authorities. If, the Goa Meat Complex is rendered inoperational for considerable periods of time like *e.g.* the period between November 2017 and August 2018, then, the same will certainly affect the fundamental rights of the members of the Petitioner No.1 to carry on their trade and occupation. The Petitioners have pointed out that their members are not authorised to undertake slaughter of animals at any other place than the Goa Meat Complex, in so far as State of Goa is concerned. Therefore, if this is the only authorised place where the members of the Petitioners No.1 can undertake the activities of slaughter of animals, then, it is the duty of the Respondents No.1 and 2 to ensure that the Goa Meat Complex is operational or that its operations are not hampered for the reasons which are easily avoidable.

10. Now the Goa Meat Complex has become operational

since August 2018, there is no necessity to issue any further directions to make the same operational. However, we direct both, the Respondents No.1 and 2 to ensure that all steps are taken well in advance in order to secure licences/clearnaces or renewals of licences/clearances, so that the operations at the Goa Meat Complex are not unduly hampered for long stretches of time. In fact, it is the duty of Respondents No.1 and 2 to apply well in advance for renewals and to ensure that such renewals are in place before the expiry of the terms of the previous licences. In many cases, it is the authorities under the control of Respondent No.1 who have to issue the necessary licences/renewals. Therefore, Respondent No.1 to ensure that the applications for such renewals are expeditiously considered and disposed of. No doubt, if any shortcomings are found to exist, necessary directions are required to be issued to make good such shortcomings, so that the operations at the Goa Meat Complex are undertaken in accordance with law. However, we do not appreciate the hampering of the operations at the Goa Meat Complex for long stretches despite clear directions from this Court to ensure that the Goa Meat Complex is made operational.

11. With the aforesaid directions, we dispose of the present Petition. There shall be no order as to costs.

(Prithviraj K. Chavan, J.)

(M.S. Sonak, J.)