

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION***

PUBLIC INTEREST LITIGATION NO. 51 OF 2018

Viniyog Parivar Trust

... Petitioner

V/s.

Municipal Corporation of Greater Mumbai

... Respondent

Mr. Bhavin Gada a/w. Ms. Pooja Bhaidkar I/b. Raju Gupta for the
Petitioner.

Mr. Rajesh Patil for the Respondent - MCGM.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 30 APRIL 2019.

P.C. :-

Filed in public interest the pleadings in the Writ Petition would bring out that on account of licence fee not being increased in slaughter house where animals are brought for slaughtering the Municipality is burdening the common citizen on account of the fact that expenses on establishing and maintaining the slaughter house far exceed the money generated by way of licence fee.

2. Under the Municipal statute, amongst others, it is the duty of the Corporation to maintain slaughter house and levy such charges as would be determined from time to time. The charge has to be fixed by the Commissioner with the approval of the Standing Committee. It is pleaded in the Petition, and we referred to paragraph 17, that on account of licence not being charged a bias in favour of a section of the society which is largely engaged in the activity of slaughter of animals and in meat trade is clearly discernible. The innuendo is obvious and need not be highlighted by us.

3. We decline to issue any mandamus for the reason the rate at which licence fee is to be levied is a matter of policy and in a public interest litigation the Court should adopt a hands off approach.

4. The Petition is dismissed.

N.M. JAMDAR, J.

CHIEF JUSTICE