

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8146 OF 2022

Manjur Saayeed Dange

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Drupad S.Patil, a/w. Mr.Namit Pansare for the Petitioner.

Mr.N.K.Rajpurohit, A.G.P. for the State – Respondent nos. 1 to 3.

Ms.Swati Sagvekar for the Respondent no.4.

**CORAM: R. D. DHANUKA AND
M.G.SEWLIKAR, JJ.**

DATE : 8th JULY, 2022

P.C:-

Matter is allowed to be produced on production board in view of extreme urgency.

2. Rule. Mr.Rajpurohit, learned A.G.P. waives service for the respondent nos. 1 to 3. Learned counsel waives service for the respondent no.4.

3. Rule made returnable forthwith. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of

mandamus directing the respondent no.4 to grant temporary permission, in favour of Sopara Aman Committee as applied vide applications dated 27th June, 2022 for sacrificial killing of animals in accordance with law and as prescribed provisions of section 378(1) (iv) of the Maharashtra Municipal Corporation Act, 1949.

4. Mr.Patil, learned counsel for the petitioner invited our attention to the order passed by this Court on 5th July, 2022 in Interim Application (St) No. 10390 of 2022 in Public Interest Litigation (St) No. 11038 of 2021 and would submit that after considering the earlier order passed by this Court in the said PIL, on 20th July, 2021, the Division Bench of this Court has held that the Commissioner of Bhiwandi Corporation has power to consider the application for permission to carry out the slaughtering under section 378 (1)(iv) of the Maharashtra Municipal Corporation Act, 1949 in accordance with law.

5. The application filed by the petitioner on 27th June, 2022 for such permission is still pending.

6. We accordingly direct the respondent no.4 to decide the said application dated 27th June, 2022 by 6.30 p.m. today and shall

communicate the order that would be passed immediately.

7. We expect the respondent no.4 to consider the order passed by this Court on 5th July, 2022 in Interim Application (St) No. 10390 of 2022 in Public Interest Litigation (St) No. 11038 of 2021 while passing any order on the application filed by the petitioner.

8. It is made clear that this Court has not expressed any views on the merits of the application filed by the petitioner.

9. Writ petition is disposed of in the aforesaid terms. Rule is made absolute. No order as to costs.

[M.G.SEWLIKAR, J.]

[R.D.DHANUKA, J.]