

Urmila Ingale

URMILA
PRAMOD
INGALE

Digitally signed
by URMILA
PRAMOD
INGALE
Date:
2022.09.21
19:48:36 +0530

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

**PUBLIC INTEREST LITIGATION NO. 28 OF 2010
WITH
CHAMBER SUMMONS NO. 111 OF 2010**

Viniyog Parivar Trust and anr. .. Petitioners
Vs.
Municipal Corporation of
Greater Mumbai and ors. .. Respondents

**WITH
WRIT PETITION NO. 1802 OF 1994
WITH
CHAMBER SUMMONS NO. 56 OF 1995**

Akhil Bharat Krishi Goseva Sangh and anr. .. Petitioners
Vs.
Municipal Corporation of
Greater Mumbai and ors. .. Respondents

Mr. P.B. Shah, for the Petitioners in PIL/28/2010.
Mr. Kunal Kumbhat a/w Ms. Sneha Dey i/b Ms. Sunanda
Kumbhat, for the Petitioners in WP/1802/1994.
Mr. S.S.Pakale a/w Ms. K.H. Mastakar, for the Respondents
No. 1 and 2 – MCGM.
Ms. Uma Palsuledesai, AGP for the Respondent No. 3- State
in PIL/28/2010.
Mr. Hemant Haryan, AGP for the Respondent No. 3- State in
WP/1802/1994.
Mr. Zubin Behramkamdin a/w Mr. Manan Shah i/b Bharucha
and Partners, for Respondent No. 4 in PIL/28/2010.
Dr. Kalimpasha Pathan, General Manager, Deonar, Abbator.
Dr. Manojkumar Mane, Asst. General Manager, Deonar
Abbator, MCGM Officers present in Court.

**CORAM : DIPANKAR DATTA, CJ. &
M. S. KARNIK, J.
DATE : AUGUST 29, 2022**

P.C. :

1. The petitioners have filed the public interest litigation (hereafter "PIL", for short) seeking the reliefs viz. a) to stop slaughter of animals at Deonar slaughter house for export of meat and; b) to abandon the modernization/expansion plan of Deonar abattoir.

The facts of the case in brief are :

2. The respondents-Municipal Corporation of Greater Mumbai (hereafter "the Corporation", for short) had their slaughter houses at Bandra and Kurla in Mumbai where slaughter of animals to meet the meat requirements of local population of Mumbai was carried out. Some time in 1962, the Corporation decided to set up a new slaughter house at Deonar in Mumbai. It is averred that there were widespread agitations from citizens of Mumbai during the period 1962 and 1971 opposing the setting up of slaughter house at Deonar fearing manifold rise in slaughter of animals. The construction of Deonar slaughter house commenced in 1971. The operation commenced in 1973. Post 1973, slaughter of animals at Deonar slaughter houses included slaughter for local consumption as well as for export of meat. Concerned with the decline in animal population, the Corporation passed a resolution no. 154 dated May 9, 1983 resolving to stop slaughter for export at

Deonar slaughter house. A decision was taken by the Administrator of the Corporation on September 25, 1985, thereby deciding not to implement the decision taken by the Corporation stopping slaughter for export vide resolution dated May 9, 1983. It is averred that till the date of filing of the PIL petition i.e. November 20, 2009, the slaughter of animals continued both for local consumption of meat and for export also. According to the petitioners, this is in violation of the bye-laws for Markets and Slaughter Houses passed by the Corporation under the Bombay Municipal Corporation Act, 1888. Detailed responses have been filed by the Corporation from time to time.

3. Our attention is invited to the additional affidavit-in-reply filed on behalf of the respondents no. 1 and 2 dated March 31, 2021. In our opinion, the concern expressed in the present PIL petition is addressed in view of the stand taken by the Corporation in paragraph 16 of the said affidavit-in-reply dated March 31, 2021. Paragraph 16 of the said affidavit-in-reply reads thus :

"I say that it is also pertinent to note here that Government of Maharashtra amended Maharashtra Animal Preservation Act, 1976 in 1995 and President of India accorded it's sanction on 04.03.2015 since then only buffaloes are being slaughtered at Deonar Abattoir for local consumption only. This is implemented since then by MCGM and only buffaloes are being slaughtered for local consumption only."

4. Dr. Yogesh Shetye, who has affirmed the additional

affidavit-in-reply dated March 31, 2021 is present in the Court. Mr. Pakale, learned advocate for the Corporation, on instructions of Dr. Yogesh Shetye, confirms the stand taken in paragraph 16 of the said affidavit-in-reply. The object of the Maharashtra Animal Preservation Act, 1976 (hereafter "the said Act of 1976", for short) is to provide for the prohibition of slaughter and preservation of cows, bulls and bullocks useful for milch, breeding, draught or agricultural purposes and for restriction on slaughter for the preservation of certain other animals suitable for the said purposes. The Corporation therefore cannot adopt a resolution which is contrary to the provisions of the said Act of 1976 as amended in 2015. Nothing survives for consideration in the present petitions.

5. In the event, the Corporation is to take a fresh decision for slaughtering for export purposes, such decision has to be in consonance with and after following the prescribed procedure and in accordance with law. Needless to mention, the petitioners would be at liberty to challenge such decision if adverse to their interest, on its own merits.

6. In this view of the matter, PIL Petition No. 28 of 2010 and Writ Petition No. 1802 of 1994 have worked itself out in view of the subsequent events indicated hereinbefore and accordingly, the same stand disposed of. No costs. Chamber summons stand disposed of.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)