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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3164 OF 2022

Shakil Ahmed Patel & Ors.] .. Petitioners

vs.

The State of Maharashtra & Ors.] .. Respondents

Ms.Sana Mohd. Yusuf Shaikh i/b Ms.Maya Updeshe, a/w Feroz Sayyed, Pratik Thadani for Petitioners.

Mr.Rajesh Patil a/w Ms.Madhuri More, for Respondent-MCGM.

Mr.Himanshu Takke, AGP for State.

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

DATE : 7TH JULY, 2022.

P.C.

1] By this Petition filed by the Petitioners under Article 226 of the Constitution of India, the Petitioners seek writ of mandamus against the Respondents to allow the Petitioners to perform Bakri Eid in Unnati Co-Operative Housing Society, S.B. Road, Mahim (West), Mumbai-400 016 as per the Guidelines and directions issued by the Respondents by following all Covid 19 guideline/Rules.

2] The learned counsel for the Petitioners invited our attention to the Judgment delivered by this Court on 31st July, 2020 in **Criminal Writ**

Petition No.227 of 2020 in the case of Lingum Battula & Ors. vs. State of Maharashtra & Ors. and submitted that the Petitioners who had filed the said Writ Petition were not the members of the Unnati CHS. It is submitted that the Petitioners have already filed application for permission to the Assistant Commissioner G North Ward, seeking permission to carry out slaughtering in the society premises. She submits that the said society has already granted NOC for carrying out slaughtering on the occasion of Eid. Statement is accepted.

3] The learned counsel for the Municipal Corporation, on instructions states that the said application filed by the Petitioners would be considered by the Assistant Municipal Commissioner, G North Ward by 3.00 p.m. tomorrow in accordance with law. Statement is accepted.

4] In view of this, we pass the following order :

a] The Respondent-Assistant Municipal Commissioner, G North ward, shall consider the application filed by the Petitioners in accordance with law and shall pass appropriate orders by 3.00 p.m. tomorrow .

b] Order that would be passed, shall be communicated to the Petitioners immediately after passing the said order.

c] It is made clear that this Court has not expressed any view on the merits of the said application.

d] If permission is granted by the Municipal Corporation in favour of the Petitioners, the policy framed by the Municipal Corporation for slaughtering in the society premises shall be strictly followed by the Petitioners.

e] Writ Petition is allowed in above terms.

f] Rule is made absolute.

g] All contentions of both parties are kept open.

h] All concerned to act on an authenticated copy of this order.

[M.G.SEWLIKAR, J]

[R.D.DHANUKA,J]