



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.18963 of 2023

Mohamed Akbar

Petitioner

vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
- 2.The Additional Commissioner of Health,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
- 3.The Commissioner of Police,
Greater Chennai Corporation,
Chennai.
- 4.The Inspector of Police,
P2 Otteri Police Station,
Chennai – 600 012.
- 5.Sunil Kumar Singh

6.K.Sridevi

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to



consider the representation of the petitioner dated 13.06.2023 and grant necessary permission to slaughter 2 goats on 29.06.2023 during Bakrid at the open terrace of the building situate at Perambur High Road, Jamalia, Chennai - 600 012 between 9 AM and 12 Noon within the time frame as may be fixed by this Court.

For Petitioner : Mr.A.V.Arun

For Respondents : Mrs.P.T.Ramadevi
Standing Counsel for R1 to R3

Mr.C.Selvaraj
Additional Government Pleader for R4

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 2nd and 3rd respondents to consider the representation made by the petitioner on 13.06.2023, wherein, the petitioner has sought for permission to slaughter two goats on 29.06.2023 i.e., during Bakrid at the open terrace of the building situated at Jamalia, Chennai – 600 012.

2.Heard Mr.A.V.Arun, learned counsel appearing on behalf of the petitioner, Mrs.P.T.Ramadevi, learned Standing Counsel appearing on behalf of the respondents 1 to 3 and Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of the 4th respondent.



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3. The learned counsel for the petitioner submitted that the slaughtering of animal forms part of the religious practice that is done on the day of Bakrid. Hence, a representation was made to the respondents seeking for permission to slaughter the goats in the open terrace of the building. The learned counsel also brought to the notice of this Court Section 298 of the Chennai City Municipal Corporation Act, 1919 (herein after called as “Act”) wherein, the Commissioner is authorized to grant permission to any person for slaughter of animals for the purpose of the religious ceremony. The learned counsel submitted that the respondents ought to have considered the representation made by the petitioner in the light of Section 298 of the Act.

4. The learned Standing Counsel appearing on behalf of the respondents 1 to 3 and the learned Additional Government Pleader appearing on behalf of the 4th respondent submitted that the representation will be considered.

5. In the considered view of this Court, Bakrid falls on 29.06.2023 and it is only a couple of days away. Therefore, there is not much of time left. The Qurbani forms part of the religious practice for the Muslims during Bakrid wherein, they slaughter animal to symbolize the willingness to sacrifice for the



god “Allah”. There is no difficulty in recognizing the right claimed by the petitioner and also the temporary license that can be given in this regard under Section 298 of the Act. However, the only difficulty is that the petitioner is living in a flat which consists of many other residents and the petitioner wants permission to slaughter goats in the open terrace of the building. The issue is whether it will be palatable for the other flat owners.

6. In view of the above, this Court has to balance the religious sentiments of the petitioner and at the same time it should not cause any inconvenience to the other residents.

7. Mr. Umapathi, Sub Inspector of Police, P2 Otteri Police Station, Chennai – 600 012 [Mobile: 94981 37844] was present at the time of hearing. The concerned Police Officer shall co-ordinate with the Assistant Zonal Health Officer of Zone VI of Corporation of Chennai and they shall immediately identify an alternate place. Apart from the petitioner, even if any other person belonging to the same religion wants to do the sacrifice on Bakrid day, they shall be permitted to do it in the alternate place without causing any hindrance to others. The necessary intimation will be given to the petitioner and others regarding the alternate place by tomorrow evening.



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8. This writ petition is disposed in the above terms. No Costs.

27.06.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr

Note: Issue Order Copy today (ie., 27.06.2023)

To

1. The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
2. The Additional Commissioner of Health,
Greater Chennai Corporation,
Ripon Building,
Chennai – 600 003.
3. The Commissioner of Police,
Greater Chennai Corporation,
Chennai.
4. The Inspector of Police,
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N. ANAND VENKATESH, J.

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