

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
PUBLIC INTEREST LITIGATION NO. 76 OF 2025

1. Irshad Zakir Qureshi

2. Mubeen Shabbir Qureshi

.....*Petitioners*

: Versus :

1. The State of Maharashtra,

through its Principal Secretary,

Ministry of Urban Development

2. The Municipal Commissioner,

Pimpri Chinchwad Municipal

Corporation

3. District Collector, Pune

4. Regional Officer, Maharashtra

Pollution Control Board

....*Respondents*

Mr. Hanif Shaikh, *for the Petitioners.*

Mr. O.A. Chandurkar, *Additional Government Pleader with Mr. S.P. Kamble, AGP for State-Respondent Nos.1 and 3.*

Mr. Kedar B. Dighe *for Respondent No.2.*

CORAM : ALOK ARADHE, CJ. &

SANDEEP V. MARNE, J.

DATED : 21 AUGUST 2025.

JUDGMENT :- (Per: Sandeep V. Marne, J.)

1) Petitioners have filed the present petition *pro-bono publico* seeking a direction against Pimpri Chinchwad Municipal Corporation (PCMC) to provide for temporary slaughter house on land bearing Survey No.202, Pimpri, Pune with a further direction to expedite the process of construction of slaughter house on the said plot of land.

2) PCMC has been established under the provisions of the Maharashtra Municipal Corporations Act, 1949 (M.M.C. Act). Petitioners plead that the population of PCMC is more than 30 lakhs and that it is the statutory duty of the Municipal Corporation to establish slaughter house. Till 2012, a temporary slaughter house was operated under the over-bridge, which has been closed and that for the last 13 long years, the Municipal Corporation has failed in its statutory duty in establishing the slaughter house. The Municipal Corporation has reserved Plot admeasuring 1 Hectare at Survey No.202 adjacent to Hindustan Antibiotics Pvt. Ltd. at Pimpri (**the subject plot**) for establishing slaughter house. Petitioners contend that on account of opposition by certain organisations, the slaughter house has not been constructed on the said plot of land. The National Green Tribunal by order dated 22 November 2013 had directed PCMC to provide for slaughter house within a period of one year, which

order has not been complied with till date. Petitioners have accordingly filed the present petition for expediting the process of construction of slaughter house at the subject plot with a further direction to provide for temporary slaughter house at the said site.

3) An Affidavit-in-Reply dated 2 August 2025 has been filed on behalf of PCMC. An Additional Affidavit dated 8 August 2025 has also been filed on behalf of PCMC. Since the pleadings in the petition are complete, the petition is taken up for final disposal.

4) Mr. Shaikh, the learned counsel appearing for the Petitioners would submit that under Section 63(12) of the M.M.C. Act, it is the statutory duty of the PCMC to establish slaughter house. That after closure of temporary slaughter house in the year 2012, no provision is made by PCMC for setting up a facility of slaughter house. That the residents of PCMC are required to procure the meat from Pune and Khadki slaughter houses, which are located at far of distances. That despite the subject plot being reserved for establishment of slaughter house and despite securing of approvals, PCMC is deliberately delaying construction of slaughter house. He would rely on order dated 22 November 2013 passed by the National Green Tribunal in which direction was issued to complete the process of establishing the slaughter house within a period of one year.

That the order passed by the Tribunal has been violated in impunity. He would submit that PCMC be accordingly directed to expedite the process of establishment of slaughter house and till that time, a temporary slaughter house be provided for facility of residents at the subject plot.

5) Mr. Dighe, the learned counsel appearing for Respondent No.2-PCMC would submit that the Municipal Corporation had sent a proposal to the State Government for establishment of slaughter house at the subject plot, but the State Government has granted stay to the proposal of the Municipal Corporation vide letter dated 9 October 2015. That the said stay still continues to operate. That the Municipal Corporation has already deposited amount of Rs.1 crore with the Collector, Pune in pursuance of order passed by NGT on 26 February 2015. That the Collector has still not allotted any land to the Municipal Corporation. That alternate site of Plot No.5/220, Survey No.325 (Part), Moshi has been identified for establishment of slaughter house. That 55,000 objections are received for establishment of slaughter house at the said plot at Moshi. That PCMC has suggested nine other alternative sites to the Collector vide letter dated 12 October 2020. However, the Collector has not taken any decision for allotment of alternate land.

6) Mr. Chandurkar, the learned Additional Government Pleader appearing for the Respondent Nos. 1 and 3-State would submit that the State Government shall provide necessary assistance to PCMC for location of land for establishment of slaughter house.

7) Rival contentions of the parties now fall for our consideration.

8) From the stand taken by the Respondents, it is clear that neither PCMC nor the State Government has treated the present petition as an adversarial litigation. The Municipal Corporation appears to be eager in establishing slaughter house catering to the needs of residents of PCMC. The State Government is also not averse to cooperate with the Municipal Corporation for identifying and allotting appropriate land for establishment of the slaughter house.

9) Section 63 of the M.M.C. Act deals with matters to be provided for by the Corporation. Section 63 of the M.M.C. Act enumerates mandatory duties of Municipal Corporations by providing that it shall be incumbent on the Corporation to make reasonable and adequate provision in respect of the enumerated matters. Under Clause-12 of Section 63, it is the duty of the Municipal Corporation to construct or acquire and

maintain slaughter houses and to regulate the same. Section 63 of the M.M.C. Act provides thus :-

63. Matters to be provided for the corporation

It shall be incumbent on the Corporation to make reasonable and adequate provision, by any means or measures which it is lawfully competent to it to use or to take, for each of the following matters, namely :—

(1) erection of substantial boundary marks of such description and in such positions as shall be approved by the [State] Government defining the limits or any alteration in the limits of the City ;

[(1a) planning for social and economic development ;

(1b) urban forestry, protection of the environment and promotion of ecological aspects ;]

(2) the watering, scavenging and cleansing of all public streets and places in the City and the removal of all sweepings therefrom ;

(3) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and, if so required by the [State] Government, the preparations of compost manure from such sewage, offensive matter and rubbish ;

(4) the construction, maintenance and cleansing of drains and drainage work and of public latrines, water-closets, urinals and similar conveniences ;

(5) the entertainment of a fire-brigade equipped with suitable appliances for the extinction of fires and the protection of life and property against fire ;

(6) the construction or acquisition and maintenance of public hospitals and dispensaries including hospitals for the isolation and treatment of persons suffering or suspected to be infected with a contagious or infectious disease and carrying out other measures necessary for public medical relief ;

(7) the lighting of public streets, municipal markets and public buildings vested in the Corporation ;

- (8) the maintenance of a municipal office and of all public monuments and open spaces and other property vesting in Corporation ;
- (9) the naming or numbering of streets and of public places vesting in the Corporation and the numbering of premises ;
- (10) the regulation and abatement of offensive and dangerous trades or practices ;
- (11) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies ;
- (12) the construction or acquisition and maintenance of public markets and slaughter-houses and the regulation of all markets and slaughter-houses ;**
- (13) the construction or acquisition and maintenances of cattle-ponds ;
- (14) public vaccination in accordance with the provisions of the Bombay District Vaccination Act, 1892 ;
- (15) maintaining, aiding and suitably accommodating Schools for primary education;
- (16) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all nuisances ;
- (17) the registration of births and deaths ;
- (18) the construction, maintenance, alteration and improvement of public streets, bridges, sub-ways, culverts, cause-ways and the like ;
- (19) the removal of obstructions and projections in or upon streets, bridges, and other public places ;
- (20) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes ;
- (21) preventing and checking the spread of dangerous diseases ;
- (22) the securing or removal of dangerous buildings and places ;

(23) the construction and maintenance of residential quarters for the municipal conservancy staff;

(24) fulfilment of any obligation imposed by or under this Act or any other law for the time being in force ;

(25) subject to adequate provision being made for the matters specified above, the provision of relief to destitute persons in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times.

10) PCMC was established in the year 1992 and it appears that the Municipal Corporation has failed in its statutory duty under Section 63(12) of the M.M.C. Act, as admittedly there is not even a single slaughter house established by the Municipal Corporation in its jurisdiction. It appears that in absence of establishment of a slaughter house, PCMC had permitted operation of a temporary slaughter house beneath the flyover. The Maharashtra Pollution Control Board directed closure of the said temporary slaughter house and accordingly the same came to be closed since 8 December 2012. It appears that Application No.15/2013 (WZ) was filed before the National Green Tribunal, (Western Zone) Bench, Pune complaining about operation of temporary slaughter house under the bridge. By the time the said application came up for hearing on 22 November 2013, it appears that the said temporary slaughter house had already been closed. With the consent of the parties, the Tribunal issued following directions :-

2 Considering the above admitted position, the Learned Counsel for the Applicants, the Respondent Nos.2 to 4 have consented for disposal of the Application on following terms :

1 The Respondent No.2 will submit plan for shifting of the slaughter house to newly selected site for re-location of the same and a copy of the same be made available today itself to the MPCB alongwith Affidavit of DR. Satish Gore, Veterinary Officer of Pimpri Chinchwad Municipal Corporation. The same will be submitted by Shri S.D. Gandhe, Sub Regional Officer, MPCB, Pimpri Chinchwad Municipal Corporation to the office of the MPCB during the office hours by end of the day and the site inspection will be carried out jointly on Monday i.e. on 25th November 2013 between 11.00 a.m. to 1.00 p.m. in order to find out whether the site is suitable. The Pimpri Chinchwad Municipal Corporation has already started the process of calling objections and approval for reservation of the newly selected site.

3. The process shall be completed by Respondent No.2 for selection and re-location of the site for slaughter house within a period of six months hereafter. In the meanwhile, if no serious objections are received from the Members of the Public, and the proposal of reservation is accepted by the competent authority, on *Adhoc* basis, the slaughter house may be made functional by making temporary arrangement and an applying for consent of the MPCB without making any Pucca Construction as such and without giving the stalls on rental basis without creating any third party interest.

4. The Respondent No.2 will be, however, entitled to give the temporary stalls on license basis during said transitory period for running of temporary stalls for outlets of meat.

5. The Respondent No.2 undertakes to ensure that no-illegal slaughter activity is conducted within the area of Pimpri Chinchwad Municipal Corporation. The Applicants are at liberty to pinpoint if any, slaughtering activity is conducted in Pimpri Chinchwad Municipal Corporation area and if so

satisfied about violations of the condition, the MPCB is at liberty to give directions as contemplated U/s.31, 33-A of the Air (Prevention and Control of Pollution) Act, 1981 or The Water (Prevention and Control of Pollution) Act, 1974 for the purpose of revoking the Bank guarantee furnished by the Municipal Corporation.

6. The Respondent No.2 shall make serious endeavour to complete the process of slaughter house, completely within a period of one year. The MPCB to decide application of Respondent No.2 expeditiously and without creating procedural impediments and avoiding all the procedural *cob-webs/Red Tapezim*.

11) It appears that Misc. Application No.159/2014 was filed in Application No. 15 of 2013 before the NGT in which following directions were issued :-

Considering the present problem, which is indicative of serious health hazard due to slaughtering of animals, either on the streets or below the bridge and running of uncontrolled blood and other parts, helter-skelter, without proper ETP, we are of the opinion that slaughterhouse of PCMC, must be taken up as priority issue, and work should be expedited by the authority. In case, proper place is not identified within period of four (4) weeks, PCMC is directed to acquire land outside limit of the Corporation, by making a special request to the Collector by exercising powers of acquisition under urgency Clause vide Section 17 of the Land Acquisition Act, 1894. The Collector will do well in acquiring such land and for such purpose PCMC, shall deposit amount of Rs.1 Crore in the Escrow Account of the Collector, if not such proper place is found within three (3) weeks period, so as to facilitate acquisition on urgent basis. At such place, temporary shed shall be erected and required machinery in the ETP be installed for the purpose of slaughtering of

animals within period of four (4) weeks thereafter, so as to solve the problem temporarily till regular slaughterhouse is commissioned. In case of failure to comply with this order the present Municipal Commissioner will be held liable for prosecution under Section 26 of the NGT Act, 2010, which the officer of the Corporation, who is present in person, may inform the concerned Commissioner.

12) In pursuance of the directions issued by the National Green Tribunal vide order dated 26 February 2015, PCMC deposited amount of Rs.1 crore with the Collector on 11 March 2015 for the purpose of acquisition of land outside the limits of the Corporation.

13) In the meantime, the Municipal Corporation moved a proposal under Section 37 of the Maharashtra Regional Town Planning Act, 1966 for reservation of land at Survey No.202 owned by Hindustan Antibiotics Pvt. Ltd admeasuring 1 Hectares for establishment of slaughter house. The Municipal Corporation had adopted Resolution dated 14 December 2011 for reservation of the said land. In view of orders passed by the National Green Tribunal, the Municipal Commissioner, had written to the Secretary, Urban Development Department (UDD) on 27 February 2015 seeking approval of the State Government to the proposal for reservation of the land. The said proposal dated 27 February 2015 was approved by the State Government and Notification dated 12 March 2015 was issued for reservation of the land in the development plan for use as slaughter house.

However, it appears that by letter dated 9 October 2015, the UDD stayed the Notification dated 12 March 2015. The stay was granted on account of objections raised by public representatives. The letter dated 9 October 2015 granting stay to the Notification for reservation reads thus :-

नगर विकास विभाग, मुख्य इमारत, चौथा
मजला, मंत्रालय, मुंबई-४०००३२

दिनांक : ९/१०/२०१५

प्रति.

मा. आयुक्त
पिंपरी चिंचवड महानगरपालिका, पिंपरी.

विषय:-विकास योजना पिंपरी चिंचवड (मुळ हद्द .)

मौजे-पिंपरी वाघेरे स.न. २०२(पै.) या "औद्योगिक विभागात समाविष्ट जागेवर
"महानगरपालिका उपयोग व कत्तलखाना" या प्रयोजनार्थ एक हेक्टर क्षेत्राचे नवीन
आरक्षण प्रस्तावित करणेबाबत महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम,
१९६६ चे कलम ३७ (२) अन्वये मंजूर केलेला प्रस्ताव

संदर्भ:- शासनाची अधिसूचना क्र. क्रमांक-टिपीएस-१८१३/१८५९/प्र.क्र. ४५/१४/नवी-
१३, दि. १२/०३/२०१५

महोदय,

पिंपरी-चिंचवड शहराच्या मंजूर विकास योजनेतील मौजे पिंपरी वाघेरे येथील स.नं.२०२ (पै) या "औद्योगिक विभागात समाविष्ट असलेल्या जागेपैकी १ हेक्टर जागा" महानगरपालिका उपयोग व कत्तलखाना "या प्रयोजनार्थ आरक्षित करण्यासाठी पिंपरी-चिंचवड महानगरपालिकेने सादर केलेल्या फेरबदलाच्या प्रस्तावास शासनाने अधिनियमाचे कलम ३७(२) अन्वये अटी/शर्तीवर शासन निर्णय क्रमांक-टिपीएस-१८१३/१८५९/प्र.क्र.४५/१४/नवि-१३ दि.१२/०३/२०१५ अन्वये मान्यता दिलेली आहे. याप्रमाणे प्रस्तावास मान्यता दिल्यानंतर स्थानिक पातळीवर उक्त जागेवर कत्तलखाना बांधकामासाठी जनतेच्या विरोध असल्याने व वारंवार होणाऱ्या आंदोलनामुळे पिंपरी-चिंचवड शहरात कायदा व सुव्यवस्थेचा प्रश्न निर्माण झाला आहे तेव्हा सदर कत्तलखान्याचे आरक्षणास स्थगिती देण्यात यावी, अशी मागणी लोकप्रतिनिधींनी शासनाकडे केलेली आहे.

उक्त जागेवर कत्तलखान्याचे प्रत्यक्षात बांधकाम सुरु करण्यापूर्वी, कत्तलखाना या वापरासाठी सदर जागेचे स्थान उचित आहे किंवा कसे, याशिवाय पर्यायी जागेची गरज आहे किंवा कसे याबाबत शहानिशा करणे आवश्यक वाटते. याबाबत १५ दिवसांत सविस्तर अभिप्राय वस्तुस्थितीसह शासनास सादर करावा तसेच यावर अंतिम निर्णय होईपर्यंत शासनाने उक्त दि.१२/०३/२०१५ रोजीच्या अधिसूचनेद्वारे मंजूर केलेल्या कलम ३७ (२) अन्वयेच्या प्रस्तावाच्या अमलबजावणीस तात्पुरती स्थगिती देण्यात येत आहे. असे आपणांस कळविण्याचे मला आदेशत आहे.

आपला,
(संजय सावजी)
अवर सचिव, महाराष्ट्र शासन

14) This is how the process initiated by the Municipal Corporation for reservation of 1 Hectare land at Survey No.202 (Part), Pimpri of Hindustan Antibiotics Pvt. Ltd. has been stayed by the State Government on 9 October 2015. After grant of stay, the State Government has not taken any final decision in respect of the reservation proposal.

15) On account of grant of stay by the State Government, the Municipal Corporation started scouting for alternate land in pursuance of directions issued by the National Green Tribunal. By letter dated 22 July 2020, the Municipal Commissioner requested for handing over land bearing Gat No.450 at Village-Nigoje, Taluka-Khed, District-Pune for establishment of slaughter house. The Tehsildar responded vide letter dated 23 July 2020 communicating that the said land at Village-Nigoje was demanded by the Commandant-242, Battalion Talegaon, Pune and the Municipal Corporation was requested to suggest alternate land. By letter dated 29 September 2020, the Municipal Commissioner requested the Collector to reconsider the proposal for allotment of land at Village-Nigoje and in the event of difficulty in allotment of the said land, a request was made for allotment of alternate land within the radius of 2 kms from the boundaries of PCMC. By letter dated 15 October 2020, the Tehsildar informed the Municipal Commissioner that the land at Village-Nigoje cannot be allotted to PCMC. By letter dated 12 October 2020, the Municipal Commissioner suggested nine

lands in various villages of Mulshi Taluka for establishment of Municipal slaughter house. However, as per the Affidavit filed by PCMC, the Collector has failed to take any decision in the matter.

16) The Affidavit filed by PCMC also indicates that the Municipal Corporation also attempted to locate alternate land within its jurisdiction for reservation for setting up slaughter house. Accordingly, Plot No.5/220, Survey No.325 (Part), Moshi was identified for being reserved. The Affidavit however indicates that more than 55,000 objections are received to the proposal for reservation of the said land at Moshi, within the jurisdiction of PCMC. Mr. Shaikh would fairly point out that the said land identified at Moshi is at a close proximity to Alandi, which is popular place of pilgrimage on account of Sant Dnyaneshwar Temple and therefore the said site may not be suitable for establishing a slaughter house.

17) From the above position, it is clear that the PCMC is prevented from establishing a slaughter house on account of twin factors of (i) State Government granting stay to the proposal for reservation of land at Survey No. 202, Pimpri vide letter dated 9 October 2015 and (ii) Collector not deciding application of PCMC for allotment of alternate land. In our view, the inaction on the part of the State Government in respect of both the aspects is clearly deplorable. The State Government

had initially sanctioned the proposal for establishment of slaughter house on Plot No.202 (Part), Pimpri and Notification dated 12 March 2015 was issued under Section 37 of the MRTP Act. However under the pretext of demand of public representatives, the State Government chose to stay the Notification dated 12 March 2015 by issuing a cryptic letter dated 9 October 2015. The stay granted on 9 October 2015 is operating for the last 10 long years and the State Government has not taken any further decision in respect of the land at Survey No.202 (Part). In our view, the State Government cannot grant temporary stay on Notification dated 12 March 2015 and thereafter sleep over the issue. The State Government must take a final decision with regard to reservation of Plot No.202 (Part).

18) In the event, the State Government decides to reserve Plot No.202 (Part), Pimpri for establishing of slaughter house, immediate steps will have to be taken for completion of construction activities for establishment of slaughter house after securing the necessary permissions.

19) If on the other hand, the State Government decides to finally revoke the Notification dated 12 March 2015 for any valid reasons, it is under obligation to provide alternate land to the Municipal Corporation for establishment of slaughter house. However, while taking final decision in respect of Plot No. 202 (Part), Pimpri, the State Government must be mindful of the fact

that there are not too many alternatives available for establishment of slaughter house within the jurisdiction of PCMC. The State Government must also keep in mind the reality where PCMC is fast growing and is no longer a mere industrial town. If figures quoted by Petitioners are to be believed, the population of PCMC is 30 lakh. It is intolerable that such a large city can be without a single slaughter house, which is mandatorily required to be provided under Section 63(12) of the MMC Act. The State Government therefore needs to apply its mind objectively by weighing the relevant considerations. No one wants a slaughterhouse in their backyard. However this desire of local residents when weighed with the statutory duty of the Municipal Corporation to provide for a slaughter house, the former must yield to the latter.

20) Coming to the prayer of the Petitioners for setting up a temporary slaughterhouse at Plot No. 202 (Part), Pimpri, the same cannot be granted. A municipal slaughter house needs to be operated after scrupulously following the provisions of various enactments including Prevention of Cruelty to Animals Act, 1960, the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001, Environment Protection Act and Rules made thereunder, etc. A municipal slaughter house cannot be operated on a temporary basis in a half-hazard manner. Till a proper municipal slaughter house is established, the current

arrangement of procuring meat from slaughter houses at Pune and Khadki can continue.

21) In the light of the above position, we deem it appropriate to pass the following order :-

- I. The State Government shall take final decision with regard to the Notification dated 12 March 2015 for reservation of land at Survey No.202 (Part), Pimpri for setting up slaughter house within a period of 4 weeks.
- II. In the event the State Government decides not to reserve land at Survey No.202 (Part), Pimpri for setting up of slaughter house, it shall provide alternate land to PCMC either inside the territorial jurisdiction of PCMC or within the radius of 2 kilometers within a period of 6 weeks from the date of decision with regard to the Notification dated 12 March 2015.
- III. Once the land is made available for setting up slaughter house, PCMC shall take immediate steps for establishment of slaughter house within a period of one year from the date of making available the land after securing all the requisite permissions.

IV. Prayer of the Petitioners for setting up a temporary slaughterhouse at Plot No.202 (Part), Pimpri is rejected.

22) With the above directions, the PIL is **disposed of**.

[SANDEEP V. MARNE, J.]

[CHIEF JUSTICE]

NEETA
SHAILESH
SAWANT

Digitally signed by
NEETA SHAILESH
SAWANT

Date: 2025.08.25
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