

06.04.2026

Item No. 4

Ct. No.1

PG

WPA 19858 of 2019
Atiqur Rahaman @ Atikur Rahman & Ors.
Versus
The State of West Bengal & Ors.

Mr. Pritam Chowdhury

Mr. M. Nazar Chowdhury

Ms. Farheen Raisfor the petitioners

Mr. Jahar Lal De, Ld. AGP

Mr. Supratim Dhar.....for the State

Mr. Debasish Mukhopadhyay

Ms. Jeenia Rudra

.....for the respondent nos. 6 to 8

DICTATED BY PARTHA SARATHI SEN, J.:

1. Affidavit of service filed in Court is taken on record.
2. The writ petitioners, the respondents/ State and the Municipality are represented by their respective learned counsels.
3. By filing the instant writ petition, the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically against the

respondent no. 7 authority to take appropriate steps prohibiting the functioning of the illegal slaughter house and beef selling stalls in the open space near Ismail Chowk beside the Bus & Trekker Stand, Ward No. 9, Sir Syed Nagar & Masjid Nagar under Islampur Municipality, District-Uttar Dinajpur.

4. At the time of hearing, Mr. Chowdhury, learned advocate appearing on behalf of the writ petitioners, at the very outset, draws our attention to paragraphs 2 and 5 of the writ petition. It is submitted by Mr. Chowdhury that it is the specific case of the writ petitioners that causing extreme inconvenience to the public at large of Sir Syed Nagar & Masjid Nagar, Ward No. 9 under Islampur Municipality, Post Office-Islampur, District-Uttar Dinajpur, a good number of illegal slaughter house

and beef selling stalls are functioning in open space near to Ismail Chowk.

5. It is further argued that despite drawing attention of the respondent authorities, more specifically the respondent no. 7 authority, no action has been taken by the said authorities though in terms of provisions of sections 274, 281 and 283 of the West Bengal Municipal Act, 1993 (hereinafter referred to as the 'said Act of 1993' in short) the respondent no. 7 authority is duty bound to stop such illegal act.
6. It is further submitted that a representation dated 18.07.2019 (page-34 of the instant writ petition) was submitted. However, the respondent no. 7 authority has not taken any steps.
7. It is further submitted on behalf of the writ petitioners that an appropriate order may be passed directing the

respondent no. 7 authority to submit a report in terms of the averments made in the instant writ petition.

8. *Per contra*, Mr. De, learned advocate appearing on behalf of the respondents/State and Ms. Jeenia Rudra, learned advocate appearing on behalf of the respondent nos. 6 to 8 submits before this Court that the respondent no. 7 authority may be directed to consider the grievance of the writ petitioners in terms of the representation dated 18.07.2019.

9. For effective adjudication of the *lis*, before us, we propose to look to the provisions of section 274, 281 and 283 of the said Act of 1993. Section 274 of the said Act of 1993 reads as under:

“274. Provision of municipal markets and slaughter houses.—
(1) The Board of Councillors may provide and maintain municipal markets, slaughter houses or stockyards in such number as it may

think fit together with stalls, shops, sheds, pens and other buildings and conveniences for the use of persons carrying on trade or business in, or frequenting, such markets or slaughter houses.

(2) Any municipal slaughter house or municipal stockyards may be situated within or, with the sanction of the State Government, outside the municipal area.

(3) A municipal market or a slaughter house or a stockyard shall be under the control of the Chairman.”

10. Section 281 of the said Act of 1993

reads as under:

“281. Municipal licence specially for sale of flesh, fish or poultry.—*(1) No person shall, without or otherwise than in conformity with a licence from the Board of Councillors, carry on the trade of butcher, fishmonger, poulterer or importer of flesh intended for human food or use any place for sale of flesh, fish or poultry intended for human food:*

Provided that no person shall sell or expose for sale any flesh obtained from an animal unless the skinned carcass of the animal is stamped in such manner as the Board of Councillors may, by general order made in this behalf, require in token of the fact that the animal has been slaughtered in a municipal or licensed slaughter house:

Provided further that no licence shall be required for any place used for sale or storage for sale of preserved flesh or fish contained in air-tight or hermetically sealed receptacles.

(2) The Board of Councillors may, by order and subject to such conditions as it may, upon supervision and inspection, think it fit to impose, grant a municipal licence or may, by order and for reasons to be recorded in writing, revoke the same.

(3) The Board of Councillors may, by regulation, determine the procedure for the issue of licence and its renewal, fix the standard of edibility of meat and fish, and provide for inspection and analysis of samples of such meat and fish.

(4) If any place is used for the sale of flesh, fish or poultry in contravention of the provisions of this section, the Chairman may stop the use thereof by such means as he may consider necessary."

11. Section 283 of the said Act of 1993

reads as under:

"283. Power to inspect places where unlawful slaughter of animals, etc, is suspected.— (1) *If the Chairman-in-Council or any person authorised by it in this behalf has reason to believe that any animal intended for human consumption is being slaughtered or that the flesh of*

any such animal is being sold or exposed for sale in any place or manner not duly authorised under this Act, he may, at any time by day or night without notice, inspect such place for the purpose of satisfying himself as to whether any provision of this Act or of any rule or regulation made thereunder is being contravened thereat and may seize any such animal or the carcass or such flesh found therein.

(2) The Chairman-in-Council may remove and sell by auction or otherwise dispose of any animal or carcass of any animal or any flesh seized under sub-section (1).

(3) If, within one month of such seizure, the owner of the animal, carcass or flesh fails to appear and prove his claim to the satisfaction of the Chairman or if the owner is convicted of an offence under this Act in respect of such animal, carcass or flesh, the proceeds of any sale under sub-section (2) shall be credited to the Municipal Fund.

(4) Any person slaughtering any animal or selling or exposing for sale the flesh of any such animal in any place or manner not duly authorised under this Act may be arrested by any police officer without a warrant.

(5) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry."

12. Keeping in mind the aforementioned legislative provisions, if we look to the

averments made in the instant writ petition, we are *prima facie* satisfied that the writ petitioners are successful in showing the alleged violation of the provisions of the said Act of 1993, which, the respondent nos. 6 to 9 authority are duty bound to observe.

13. In view of the discussions made hereinabove, this Court, while disposing the instant writ petition, permits the writ petitioners to submit a fresh representation with the respondent no. 8 authority along with a server copy of today's order.

14. The respondent no. 8 authority, on receipt of such representation, shall forward such representation to the respondent no. 9 authority forthwith, who is directed to consider the said representation in accordance with the provisions of the said Act of 1993 and the said authority being respondent no.

9, may take due inspection and after giving due notice to all the stakeholders including the writ petitioners and/or their authorised representatives, shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners and/or their authorised representative.

15. The entire action, as indicated in the foregoing paragraphs, is to be completed by the respondent no. 9 positively within 60 working days from the date of communication of server copy of this order.

16. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order to the respondent no. 8 authority.

17. The respondent no. 8 and 9 authorities are directed to act on the basis of server copy of this order.

18. Before parting with, it is made clear that while disposing the writ petition, we have not gone into the merits of the averments made in the writ petition as well as the representation dated 18.07.2019 and thus, all points are kept open for adjudication by the respondent no. 9.

19. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(SUJOY PAUL, CJ)

(PARTHA SARATHI SEN, J.)