

Town Municipal Council

Vs

Mohammad Saleem

Civil Appeal No. 1580 of 1987

(Ranganath Misra, M. M. Dutt JJ)

03.08.1987

ORDER

1. Special leave granted.
2. Heard learned counsel for the appellant and the respondent who had gone to the High Court asking for a direction for location of a slaughter house and had succeeded in obtaining the same.
3. The question that is really for decision is as to whether the High Court could have directed the municipality in the facts of the case, to locate a slaughter house where cows alone could be slaughtered. Reliance has been placed on Section 87(i) of the Karnataka Municipal Act, 1964 which casts as obligation on the Municipal Council to establish and maintain a slaughter house. It is not in dispute that the Municipal Council has been maintaining two slaughter houses. There is no dispute that slaughtering of cows now there is permitted.
4. There is a special State legislation dealing with slaughtering of cows and that Act is known as Karnataka Prevention of Cows Slaughtering and Preservation of Cattle Act, 1964. That Act prohibits slaughtering of cattle except two varieties and requires slaughtering thereof to be done on the basis of special certificate to be issued and examination of each of the animals sought to be slaughtered. Under that Act the obligation to fix the place for slaughtering of cattle lies on the State Government. In Karnataka the animal husbandry department has the appropriate authority for the purpose. It is not in dispute that respondent 5 has already earmarked a place outside the municipal limits of the Chickmanglore for that purpose.
5. The Prevention of Cows Slaughtering Act is a special law, and has received presidential assent. It will certainly override the provisions of the Municipal Act as contained in Section 87. After the Cow Slaughtering Act has come into force the Municipality would not be a position of slaughtering of cows in its slaughter houses if those slaughtering houses would not be approved by the State Government. The High Court, therefore, went wrong in giving a direction to the Municipal Council in the matter of location of the slaughter house for cows. We hope and trust that the State Government will take reasonable steps to carry its obligations under the Cows Slaughter Act for setting up of the slaughter house in case it has not yet been done. The judgment of the High Court is set aside. The appeal is allowed with the aforesaid observations. There will be no order as to costs.

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