

RAJASTHAN HIGH COURT

Residents of Sanjay Nagar

Vs.

State of Rajasthan

D.B. Civil Writ Petition No. 4677 of 2003
(Anil Dev Singh and K.S. Rathore, JJ.)

20.01.2004

JUDGMENT

Anil Dev Singh, CJ.

1. By this writ petition the petitioners seek a direction to the respondents to close down the slaughter houses illegally operating in Sanjay Nagar. Besides the petitioners also seek a direction to the State Pollution Control Board to take steps to prevent creation of pollution generated by functioning of the slaughter houses in the area in question.

2. The petitioners claim to be residents of *Sanjay Nagar, Bhatta Basti, Shastri Nagar, Jaipur*. According to the petition unauthorized and illegal slaughter houses have been set up by anti-social elements and as a result of the illegal slaughtering of animals pollution is being caused and strong stench emanates from the area.

3. The respondents namely the State Pollution Control Board, Municipal Council and Superintendent of Police have filed replies. According to the reply of the respondent No. 1, State of Rajasthan and respondent No. 3 Superintendent of Police, *Jaipur*, it is admitted that illegal slaughter of animals is taking place in the colony. It is also stated that the respondent Nos. 1 and 3 have written several letters to respondent No. 2 Municipal Council for removing unauthorized and illegal butcher and slaughter houses. It is further averred that respondent Nos. 1 and 3 are trying to stop the nuisance in the locality and also making endeavors to shift the butcher houses to some other place. The reply also alludes the facts that several cases have been registered at the police station against the persons, who are creating the aforesaid nuisance in the area.

4. The reply of respondent No. 4, State Pollution Control Board highlights the grave situation created by unauthorized and illegal slaughtering of animals in the colony. The reply serves as an eye opener. It will be appropriate to extract the relevant paras of the reply:

"That upon receipt of notices of the present writ petition on 14.8.2003, the answering respondent Board deputed a team of its officers who carried on detailed survey, inspection and investigation on 17.9.2003 and 18.9.2003.

That on an average 400-500 Buffalos and Padas are manually slaughtered per day in the above slaughter houses.

That blood from the blood vessels of the butchered animals is drained, which partly goes to the adjoining municipal sewer and partly accumulates on the unlined pit near the Muslim graveyard.

That no treatment plant so as to make the blood innocuous is provided by the slaughter houses, as a result of which the blood which in the context of Water Act can be termed as trade effluent and is polluting in nature.

That dung of the animals which oozes out during the process of butchering is dumped on Kachha land of Muslims graveyard. Besides, horns, hooves and carcasses of the butchered animals are stored, dried and transported for sale.

That intestines and inside wastes of the butchered animals are stored in the premises of slaughter houses. However, nearby resident informed the inspecting party of the Board that the above filth is thrown on nearby isolated places during night.

That the team of the answering respondent Board found that due to untreated discharge of effluent (Blood), dumping of intestine, dry carcasses problem of foul smell, pollution and nuisance has arisen.

That skins and carcasses of dead animals stored in the slaughter houses vitiates the surrounding atmosphere and causes nuisance for nearby public.

That the waste water was also collected by the team of the answering respondent Board and upon analysis it was found that concentration of pollutants is exceeding the limits prescribed by law.

That the answering respondent Board has neither granted its consent, nor the

authorization under Water Act and BMWR to any of the slaughter houses. As submitted above, the answering respondent Board has also issued a composite show cause notice dated 6.12.2003 to all the slaughter houses."

5. Respondent No. 2 Municipal Council in its reply has admitted that some miscreants are butchering the animals in the area, as a result of which pollution is being caused. However, the Municipal Council has taken a queer stand in its reply. According to Municipal Council the people of the locality should take action against the persons, who have created the problem. In other words the Municipal Council wants the residents to take law into their own hands.

6. Mr. Mohd. Rafiq, learned Additional Advocate General appearing for the Pollution Control Board has candidly admitted that the unauthorized and illegal slaughter and butcher houses in the locality need to be closed. Same is the stand of the State as expressed by the learned Government Advocate Mr. Madhav Mitra.

7. Mr. Jain, learned counsel appearing for the Municipal Council submits that the slaughter and butcher houses in the area in question are absolutely illegal and no licenses have been given by the Municipal Council to them. He also says that running of such slaughter houses is a menace to the society.

8. We were told by Mr. Jain that though the Municipal Council is keen to remove the illegal and unauthorized slaughter houses, the police assistance was not provided in spite of several requests made in that behalf.

9. It appears to us that despite the fact that all the authorities namely the State of Rajasthan, Municipal Council of *Jaipur*, Rajasthan Pollution Control Board and Superintendent of Police are of the confirmed view that the slaughter houses in the colony must be closed, they are acting as helpless and mute spectators. It is the constitutional duty of the State under Articles 21 and 48-A to provide clean environment and to preserve ecology.

10. From the affidavit of the Pollution Control Board it is clear that blood of the slaughtered animals runs on the land and in the drains without the same being treated. It has also been shown in the reply of the Pollution Control Board that the trade effluent released by these slaughter houses is not according to the norms. It is also not denied and rather it is admitted that a strong stench emanates from the area.

11. It is surprising as to how the State can allow residents to live in such unhygienic conditions. The State and the Municipal Council are not helpless and have the

mandate of law to stop such activities.

12. In *M.C. Mehta v. Union of India & Ors.*,¹ the Supreme Court directed closure of slaughter houses located near Taj and new slaughter houses were proposed to be located at Kuberpur, Agra. In this regard the Supreme Court observed as under:-

"Having regard to the state of affairs with regard to the existing slaughter house which is stated to be in a very bad shape, as mentioned in paras 1 to 2 of the observations of the officers of Civil Procedure Code B above-referred to, we are of the view that till steps are taken to make the new slaughter house operational, ANN should close down the existing slaughter house (at Nagla Mewat, near Taj Mahal) w.e.f. 15.4.2000. In fact, it is revealed from the inspection that there is no arrangement for drainage of effluent or treatment of effluent. Even the solid waste is dumped in the vicinity. A strong stench can be felt even from 500 metres away. About 250-300 buffaloes are slaughtered everyday. We, therefore, direct ANN to close down the said slaughterhouse by 15.4.2000."

13. Having regard to the circumstances of the case and keeping in view the health of the residents, we are of the view that unauthorized and illegal slaughter houses in the area should be closed immediately. The State of Rajasthan, Municipal Council, *Jaipur* and Superintendent of Police will implement the order and file a report. It will be open to the dislocated persons, who are running the slaughter houses to move the concerned authorities for allotment of land in the area, which may have been earmarked for setting up of the slaughter houses.

14. We are told by Mr. Rafiq, learned AAG that apart from 15 unauthorized slaughter houses, which are running in the area there are 5 godowns where skins of the animals are being stored. He also says that the godowns are being run unauthorized as no permission has been sought from any authority to set up the godowns for preserving the skins. He is supported in this submission by the learned counsel for the Municipal Council and the State.

15. Having regard to the submissions of the learned counsel for the respondents we are of the considered view that the five godowns, which and being used for storing skins shall also be closed down by the authorities. We order accordingly.

16. The writ petition is disposed of with the aforesaid observations and directions. However, the matter will be placed on 23.2.2004 for perusal of the compliance report to be submitted by the State, the Superintendent of Police (North), *Jaipur* City and

Municipal Council.

Petition allowed.

Case Referred:

1. 2002(9) SCC 574