

IN THE HON'BLE HIGH CORT OF JUDICATURE
M.P. JABALPUR BENCH AT GWALIOR

Rajesh Thakur Son of Shri R.V.
Singh, Aged 38 year, Occupation
Business, Resident of Chawri
Bazar, Lashkar, Gwalior.

---Applicant/Petitioner.

Versus

1. Rakesh Shrivastava
Collector District Gwalior
Gwalior (M.P.)
2. Vijay Kumar Surywanshi
Supdt, of Police
District Gwalior
Gwalior (M.P.)
- 3.. Dr. Pawan Sharma
Commissioner Muncipal Corpn.
Gwalior (M.P.)
- 4.. Rakesh Chandra Sahni
Principal Secretary,
Dept. of Urban Admission and
Development Govt. of M.P.

Bhopal (M.P.)

**Contempt Petition under Article 215 of
Constitution of India read with Section 10 and 12 of
The Contempt of Court Act For non-compliance of
The order of this Hon'ble Court passed on 6-8-2007
By D.B. in W.P. (PIL) No. 302/2000.**

May it please this Hon'ble Court,

**The humble petitioner submits this Contempt Petition
as under:-**

- 1. That the petitioner filed a petition W.P. (PIL) No. 302/2000 which was finally decided by Hon'ble D.B. comprising of justice Shri Shubham Samvatsar and Justice Shri Sanjay Yadav on 6.8.2007. The certified copy of the order is filed herewith as Annexure A-1.**
- 2. That the PIL was filed against Illegal business of slaughter of animals and sale of meat at Chawri Bazar, Gwalior against the provision of M.P. Municipal Corporation Act 1956.**
- 3. The admittedly no licences have been issued by the Municipal Corporation Gwalior for slaughtering and sale of meat.**
- 4. That, the concerned byelaws framed by Municipal**

Order

(DB: HON. SHRI ABHAY GOHIL & HON. SHRI SANJAY YADAV, JJ)
26/06/2008

Shri S.B. Gupta, Advocate with Shri S.K. Gupta, Advocate for the Pertitioner.

Shri Vivek Khedkar, Govt. Advocate for respondents No. 2 & 4/State.

Shri P.N. Kelkar, Advocate with Shri P.D. Bidua, Advocate for Respondent No. 3.

Respondent No. Respondent No.3 Dr Pawan Sharma, Commissioner Muncipal Corporation is present in person

None for other respondents.

Today, respondent No.3-Dr. Pawan Sharma, Commissioner, Municipal Corporation has filed reply in the contempt petition. In reply he has submitted that the order passed by this court on 6.8.2007 was subsequently modified on the basis of the application filed by some of the shopkeepers and by subsequent order daeed 15.5.2008 the court permitted the shopkeepers to carry on their business at the present place. From this order, it is clear that only four petitioners werete permitted to run the shop in Chhawdi Eazar Area and the others were not permitted and one the strength of the aforesaid order, it is admitted that the Corporation has permitted all the person to indulge in the business of selling meat and slaughtering of animals in the Chhawdi Bazar Area. At this stage it is submitted by learned counsel for responding that they have already filed challane in the court of chief judicial magistrate.

ANNEXURE – C
HIGH COURT OF MADHYA PRADESH

CASH NO Cont. Pet. No. 148/08 OF 200
ORDER SHEET (CONTINUATION)

Date & S.No.
of the order

2 Order

Gwalior against the shopkeepers of Chhawdi Bazar as well as other shopkeepers for selling the meat in Gwalior city. The Commissioner has submitted that so far as permission for Awadpur is concerned, there was agitation by the residents of Awadpura area, therefore, a request was made to the Collector has allotted the land for that purpose. It is issued by the respondents that they will see that except at Gudi Guda Ka Naka, no permission shall be granted by the Corporation for any other place and no licence shall be granted. It is submitted that the Corporation will not open a slaughter house only at Gudi Guda Ka Naka and that too after obtaining permission from the Corporation and also after making compliance of the provisions of section 257 of the M.P. Municipal Corporation Act, they will issue licenses, otherwise not.

Respondent No. 3 has also submitted an unconditional apology and admitted that there is no strict compliance of the order but in future they will make strict compliance of the order. Considering the submissions and reply submitted on behalf of the contemner No.3, it appears that they could not take effective action on the order dated 6.8.2007 as subsequently this Court vide order dated 15.5.2008 granted permission to four applicants to continue their business at the present place i.e. at Chhawdi Bazar but today the Commissioner has assured this court that in

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Chhawadi Bazar area or in Awadpura area they will not establish any slaughter houses and they will not permit selling of meat in that area and they will strictly follow the provisions of the act as well strictly follow the provisions of the act as well as bye-laws and the rules and will not issue licence or permit selling of meat or slaughtering the animals at any place except at Ggudi Guda Ka Naka. The Corporation will ensure that the meat is not sold or slaughtering is not done at open places and no new slaughter house shall be established for slaughtering or for selling meat except those, which have been notified under Section 257 as on this date. This order is not for promotion of slaughtering the animals or selling of meat but it is for regulation.

On the basis of the aforesaid assurance, the proceedings are drop and rule nisi is discharged.

Accordingly, this contempt petition is disposed of.