

(PUBLIC INTEREST LITIGATION)

PETITIONERS

Filed on 7/12/08
by S. J. ...
Advocate

1. Suresh Chandra Jain,
S/o Shri Gulari Jain,
Aged about 72 years,
R/o 74B, Sarafa Ward,
Jabalpur M.P.

2. Sunil Jain
S/o Late S. Jain,
Aged about 42 years,
R/o 137, Shivnagar,
Jabalpur M.P.

R. 15 A.R. 3.
Ashok Jain
S/o Shri B.L. Jain
Aged about 46 years,
R/o Vidhyasagar Complex,
Tilak bhoomi ki talaiya,
Jabalpur M.P.

VERSUS

RESPONDENTS

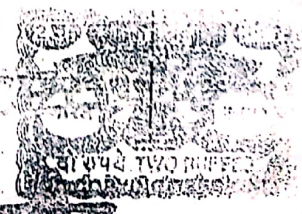
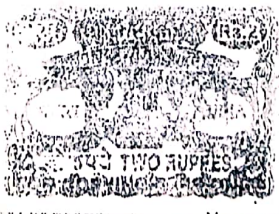
1. State of M.P.
Through Secretary,
Department of Health & Family
Welfare Secretariat, Bhopal

2. Secretary
Department of Home Affairs
Vallabh Bhawan Bhopal

3. Secretary
Urban Administration,
Vallabh Bhawan,
Bhopal

4. Collector
Jabalpur

5. Commissioner
Municipal Corporation,
Jabalpur



DATE OF THE ORDER

ORDER

W.P. No. 15787/05

30/01/2006

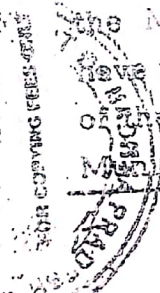
The petitioners as pro bono publico have preferred this writ petition for issue of command to the respondents to cause an inquiry relating to the matter of sale of animal flesh, chicken etc. in open market in open places which are within the vicinity of the market and further to issue appropriate directions to the respondents to take steps against the persons who violate the provisions of the Act and the Rules.

It is submitted by Mr. Greeshm Jain, learned counsel for the petitioners that the State of M.P. has framed two enactments, namely Municipality Act, 1967 and Municipal Corporation Act, 1958. He has referred us to sections 267 to 268 of the Municipality Act and sections 253 to 259 of the Municipal Corporation Act. The learned counsel has also referred us to the Municipalities Inspection of Slaughter House and Sale of Flesh (Licensing) Bye-laws. The learned counsel has emphatically put forth that Bye-law 21 clearly stipulates that the licence shall be granted under the Bye-laws subject to the conditions enumerated therein. It is proposed by him that the said conditions are not being fulfilled. The authorities are granting licence without caring for the conditions that have been prescribed under the said Rules and Bye-laws.

Mr. Deepak Awasthi learned Govt. Advocate for the State and Mr. Sharad Verma, learned counsel appearing for the Municipal Corporation, Jabalpur fairly stated that they have no hesitation to say that they are bound by the provisions of the Rules the Bye-laws. It is obligatory on the part of the Municipal Corporation to follow the prescriptive.

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HIGH COURT OF MADHYA PRADESH

ORDER SHEET

CASE No. 200

vs

OF THE
COURT

ORDER

city of Jabalpur are not compelled to face any difficulty.

After issuing such directions, ordinarily, we would have parted with the case, but, we are really failed that despite the provisions in the Act and the bye-laws which prescribe certain conditions precedent the authorities are unable to control the licensees, as a result of which violation takes place and grieved people are compelled to invoke inherent jurisdiction of this Court by filing a public interest litigation. The statutory authority must keep themselves abreast to the law and take action. Inaction on this score, not only corrodes the faith in administration but also ushers in a situation which entails a health hazard. We are sure, the authorities shall keep the aforesaid concept "in view and act as per directions issued above.

The writ petition is allowed to the extent mentioned above. There shall be no order as to costs.

C.C. as per rules.

[Signature]
(Judge)
Judge

[Signature]
(Judge)
Judge

ac.

[Signature]
[Stamp]