

(2002) 08 KAR CK 0057
In the Karnataka High Court
Case No : Writ Petition No. 5709 of 1997

B. Krishna Bhat

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 13-08-2002

Acts Referred:

Karnataka Municipal Corporations Act, 1976 — Section 364

Citation : (2001) 4 KarLJ 289 : (2003) 4 KCCR 2525

Hon'ble Judges : S.B. Majage, J;G.C. Bharuka, J

Bench : Division Bench

Advocate : Lakshmi S. Holla, for Puttige R. Ramesh, for the Appellant; N.K. Ramesh, Additional Govt. Advocate for Respondents 1, 4 and 5, K.N. Puttegowda and T.B. Mahantesh, for Respondents 2 and 3, T.I. Abdulla, for Hegde Associates for Impleading Applicants, for the Respondent

Final Decision : Allowed

Judgement

1. This writ petition has been filed as a public interest litigation. The main prayer made herein is that the respondents should be directed to take steps for setting up of slaughterhouses/abattoirs in the outskirts of residential areas so as to minimise the hardship to the animals brought to slaughterhouses as well as to ensure that no pollution or nuisance is created in the city area.

2. The grievance raised in the writ petition is that the second and third respondents being the Bangalore City Corporation ("the Corporation" for short) and its health officer, though are under statutory duty to improve the conditions generally and are also specifically required under the provisions of the Karnataka Municipal Corporations Act, 1976 ("the Act" for short) to ensure hygienic supply of meat and other such items, have utterly failed in discharging this duty.

3. The Commissioner of the Corporation has come on record with his personal affidavit dated 16-7-2002 at paragraph 6 whereof, he has stated that:

"I submit that the residents of Richards Town and Frazer Town around the

slaughterhouse on Pottery Road have made representations complaining about the foul smell emanating from the slaughterhouse from time to time. I have inspected the slaughterhouse on the Pottery Road on 10-5-2002 and noted that it is desirable to have the slaughterhouse shifted from its present place. I have accordingly requested the Government through the Principal Secretary, Animal Husbandry and Veterinary Services, the department in charge of the Karnataka Meat and Poultry Marketing Corporation to have the slaughterhouse shifted to an alternative location".

4. The Deputy Secretary to Government, Animal Husbandry and Fisheries Department, Karnataka Government Secretariat, has also filed her affidavit. In her affidavit she has admitted that there is need for shifting of the slaughterhouses of the Corporation situated in the heart of the town and efforts for the same were being made since 1976-77, for one "or the other reason these slaughter houses/abattoirs could not be shifted to the outskirts of the town. In the affidavit merely an assurance has been given that, after the commencement of hearing of the present public interest litigation on 10-7-2002, a meeting under the Chairmanship of the Additional Chief Secretary to the Government of Karnataka was held to build a modern abattoir at the outskirts of the city limits and shift the existing slaughterhouses/abattoirs from the residential areas, which is imminently required for providing pollution free environment to the society.

5. The Managing Director of the fifth respondent-Karnataka Meat and Poultry Marketing Corporation (KMPMC) has also filed his affidavit. He has stated that they are running the slaughterhouses under the permission and lease granted by the Corporation as provided u/s 364 of Act. This section reads as under.

"364. Provision of Corporation slaughterhouses.-

(1) The Corporation shall provide a sufficient number of places for use as Corporation slaughterhouses and the Commissioner may charge and levy such rents and fees for their use as the Standing Committee may determine. Such rents and fees shall be recoverable in the same manner as the property tax.

(2) The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Corporation slaughterhouses may be situated within the city limits or outside the limits of the city with the sanction of the Government".

The Deputy Director of fifth respondent-Marketing Corporation, namely, Dr. Sayeed Ahmed is personally present in Court. He admits before us that the lease or permission granted to the Marketing Corporation has expired long back i.e., in 1994 itself and their application for renewal is still pending. He also states before us that since 1994 no rents and fees had been paid by them for use of the slaughterhouses. We wonder how these things are happening. But what remains of importance is that possibly the Marketing Corporation is continuing to maintain

and run slaughterhouses without there being any authority in their favour.

6. In any view of the matter, keeping in view the allegations and, grievance raised on behalf of the petitioner, all these slaughterhouses are causing great risk to the health of the residents of the city and are causing hardship for creating hygienic condition for the health of the public. It cannot be denied that there is imminent need to ensure environmental protection as also pollution standards which mandates shifting of such slaughterhouses/abattoirs beyond the residential areas.

7. Keeping in view the above aspects, we direct that the slaughterhouses/abattoirs which are being run in the territorial limits of the Bangalore City Corporation should be shifted to the outskirts of the city limits to such place as may be suitably identified by the appropriate authorities and subject to statutory provisions made in this regard including the laws governing the environmental and pollution control laws. It is further directed that after six months from today no slaughterhouses/abattoirs should be maintained or run within the local limits of Bangalore City Corporation.

8. Writ petition is accordingly allowed.