
(2015) 01 JH CK 0117
In the Jharkhand High Court
Case No : WP(PIL) No. 3090 of 2014

Tatanagar Goushala

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-01-2015

Acts Referred:

Citation : (2015) 2 JLJR 423

Hon'ble Judges : Dhirubhai Naranbhai Patel, J; Pramath Patnaik, J

Bench : Division Bench

Advocate : Sudhansu Kumar Deo, for the Appellant; Ravi Shankar Majumdar, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Dhirubhai Naranbhai Patel, J.

1. This Public Interest Litigation has been preferred for the following reliefs:--

"(a) For issuance of an appropriate writ(s)/order(s) or direction(s) upon the concerned Respondents in the nature of writ of mandamus directing the respondent authorities of the State to provide adequate measure for better maintenance and care of the cattle kept in the petitioner Gaushala as directed by the Hon'ble Court vide order dated 22.2.2010 passed in W.P.(PIL) No. 211 of 2010, whereby the petitioner was directed to approach the appropriate authorities in accordance with law, subsequent to which the respondents were directed to consider the grievance of the petitioner Goushala.

(b) For issuance of an appropriate writ(s)/order(s) or direction(s) in the nature of writ of mandamus directing the respondent authorities to consider the grievance of the Petitioner in accordance with law, and provide adequate measure for improved maintenance and care of the cattle as provided under Section 2(kha) of the Gouvansiya Pashu Hatya Pratishodh Adhiniyam, 2005 as notified in the extraordinary Gazette in terms of the said Act.

(c) For issuance of an appropriate writ(s)/order(s) or direction(s) upon the concerned Respondents in the nature of Mandamus directing them to provide and enable the Petitioner Goushala with adequate facilities and infrastructure (in case or kind) so that the petitioner Goushala and other similarly situated Goushalas within the State of Jharkhand are better equipped to take care of the cattle vis-à-vis their shelter, their food, and medical care in terms of the Act notified for the very same object of the Act.

(d) For issuance of an appropriate writ(s)/direction(s) or order(s) upon the concerned Respondents in the nature of Mandamus directing them to give effect to their official duty/obligation in terms of Jharkhand Gou Seva Aayog Adhiniyam, 2005 as postulated under Section 15 of the said Adhiniyam.

(e) For issuance of an appropriate writ(s)/order(s) or direction(s) upon the concerned Respondents in the nature of Mandamus to provide aid to the petitioner Goushala and other similarly situated Goushalas within the State of Jharkhand for providing them with infrastructural facilities in order to take proper care of the cattle after they have been seized from the smugglers and butchers, and thereafter handed over to the petitioner Goushalas by the respondent authorities.

(f) For any other reliefs/directions as the petitioner Goushala may be found entitled to in terms of the relevant Act and other statutory provisions notified by the State of Jharkhand."

Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, it appears that this is not a Public Interest Litigation, at ail. It is vehemently submitted by Mr. Sudhansu Kumar Deo, learned counsel appearing for the petitioner, that the respondents are not giving any grant for maintenance of cows, which are at petitioner-Goushala. There is discrimination by the State for this petitioner because other Goushalas are given proper grant for maintenance of cows.

2. Mr. R.S. Majumdar, learned Advocate General appearing on behalf of the State submitted that if this is only grievance of the petitioner about grant for maintenance of cows, then this is not a Public Interest Litigation, at all and if there is any grievance, the petitioner may make a representation and the same will be decided in accordance with law, rules, regulations and Governmental policy applicable to the petitioner, at the earliest.

3. In view of this submission and looking to the prayers of the petitioner, it appears that this is not a Public Interest Litigation, at all. If the petitioner has any grievance about grant for maintenance of cows at petitioner Goushala, the petitioner may prefer a representation before the respondent. As and when such representation is preferred, the same will be decided by the competent respondent authorities, in accordance with law, rules, regulations and Governmental policy, at the earliest. This Public Interest Litigation is, accordingly, dismissed.