



WP No.37708 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 20-12-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.37708 of 2015

And

MP No.1 of 2015

V.Paneerselvam

..

Petitioner

vs.

1.Executive Authority,
Panagal Village Panchayat,
Nagapattinam District.

2.Mr.Sat @ Muhamed Ali

3.The Director of Rural Development,
Panagal Building,
Saidapet,
Chennai-600 015.

(R-3 suo impleaded vide order of Court
dated 20.12.2021 made in WP 37708 of 2015). ..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to take suitable action on the second respondent as per G.O.(Ms) No.212, Rural Development (C4) dated 5th July 1999). The Tamil Nadu Village Panchayats (Prohibition or Regulation of the use of places for Slaughtering Animals and Licensing of Slaughterers) Rules, 1999 by considering the petitioner's representation dated 20.04.2015.

For Petitioner : Mr.I.Arockia Selvaraj
For Respondent-1 : Mr.M.Rajendiran,
Additional Government Pleader.
For Respondent-2 : Mr.Sabarish for
Mr.S.Kingston Jerald.

ORDER

The relief sought for in the present writ petition is to direct the first respondent to take suitable action on the second respondent as per G.O.(Ms) No.212, Rural Development dated 5th July 1999.

2. The complaint made by the petitioner was that the second respondent without getting any license in Animal Slaughtering running a



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shop in violation of the Rules issued by the Government of Tamil Nadu.

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3. The petitioner states that in spite of the complaint given by him, the Authorities Competent failed to initiate any action. Thus, the petitioner is constrained to move the present writ petition.

4. The Rules in this regard are not properly implemented is the contention placed before this Court and thus it is necessary to implead the Director of Rural Development, Panagal Building, Saidapet, Chennai-600 015, for the purpose of issuing appropriate instructions and necessary actions to be taken against the violators of the Rules. Accordingly, the Director of Rural Development, Panagal Building, Saidapet, Chennai-600 015 has been suo motu impleaded by this Court as the third respondent in the present writ petition.

5. The Tamil Nadu Village Panchayats (Prohibition or Regulation of the use of places for slaughtering animals and licensing of slaughterers) Rules, 1999 [hereinafter referred to as the 'Rules', in short]



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provides regulation for slaughtering by issue of license. Accordingly, no person shall, without a license issued by the Executive Authority, slaughter, cut up or skin or permit to be slaughtered, cut up or skinned any cattle, horse, sheep, goat or pig or poultry or fish in any place in the village other than in a public slaughter house, if any, provided by the Village Panchayat.

6. The procedure for grant of license is contemplated under Rule 4 of the Rules. The Certificate to be issued by the Veterinary Assistant Surgeon is contemplated under Rule 5. Rule 6 provides responsibility for the Licensee to dispose of the unusable of these slaughtered animals.

7. When Rules 4 and 5 provide the license to be granted by the Executive Authority and a Certificate to be issued by the Veterinary Assistant Surgeon and further the responsibility for the Licensee to dispose of the unusable of these slaughtered animals, the Authorities Competent are bound to ensure that the abovesaid Rules are implemented effectively, so as to prevent any health issues in the event of any violations.



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8. The implementation of the Rules plays a pivotal role in view of the fact that in the event of disposing of the unusable of these slaughtered animals, the same would create public health issues in that locality.

9. 'Health' being the basic right of every citizen, any such complaint given by the people of that locality must be looked into and swift actions must be initiated without any delay.

10. Article 21 of the Constitution of India ensures 'right to life'. Health is an integral part of 'right to life' and therefore, any public health issues arose on account of such irregularities or illegalities, it must be addressed and to be redressed without causing any undue delay. There are largescale allegations of disposal of the unusable of these slaughtered animals in Municipal, Semi Urban and Village Areas.

11. It has not been properly regulated by the Competent Authorities. In other words, the implementation of the Rules are ineffective and in this regard, the Director of Rural Development is duty bound to issue



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appropriate instructions to all the Subordinate Officials ensuring effective implementation of the Rules, failing which appropriate actions are to be initiated against those officials, who all are committing lapses, negligence and dereliction of duty.

12. In the present case, the petitioner filed complaint stating that the second respondent has slaughtered the animals without obtaining proper license. Violation of Rule 6 also was raised by the petitioner. In spite of that, no action has been taken. Thus, the petitioner is constrained to move the present writ petition.

13. The writ petition is pending for the past about six years. It is not made known whether the Authorities have initiated action in this regard with reference to the complaints in the public domain in the matter of slaughtering of animals without license. In the absence of any such submission before this Court, it is to be construed that the Authorities Competent are failing in their duties in implementation of the relevant Rules, more specifically, regarding the maintenance of public health.



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14. The third respondent is duty bound to ensure the implementation of the Rules through Subordinate Officials. Safeguarding public interest is of paramount importance and people are facing largescale health issues on account of unclean atmospheres and improper maintenance of garbages, medical wastages, unusables of slaughtered animals etc. When these aspects are not monitored and implementations are slow down or not done in some places, then the Authorities are failing in their duties to implement the constitutional mandates and therefore, the importance of implementation of the Statutes, Rules and Guidelines in this regard must be scrupulously followed.

15. Under these circumstances, the third respondent-The Director of Rural Development, Panagal Building, Saidapet, Chennai-600 015 is directed to issue appropriate directions/instructions to all Subordinate Authorities to implement the Tamil Nadu Village Panchayats (Prohibition or Regulation of the use of places for slaughtering animals and licensing of slaughterers) Rules, 1999 and initiate all appropriate actions against the



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violators by following the procedures as contemplated. In the event of slaughtering the animals without any license, criminal cases are to be registered and all appropriate and necessary actions are to be initiated.

16. The third respondent is directed to issue consolidated circular/instructions for the purpose of effective implementation of Statute, Rules and Guidelines issued by the Government and by the Competent Authorities.

17. With the abovesaid directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
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To

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S.M.SUBRAMANIAM, J.

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