

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

**THE CHIEF JUSTICE SHRI VIPIN SANGHI
AND
JUSTICE SHRI RAMESH CHANDRA KHULBE**

Writ Petition (PIL) No.44 OF 2021

07TH JULY, 2022

Iftakhar and others Petitioners

Vs.

State of Uttarakhand and others Respondents

Presence: -

Shri Arvind Vashisth, learned senior counsel for the petitioners.

Dr. K.H. Gupta, learned counsel for the interventionists.

Shri C.S. Rawat, learned CSC along with Shri Anil K. Bisht, learned Addl. CSC for the State.

Shri Davesh Bishnoi and Shri Parikshit Saini, learned counsel for respondent no.4.

ORDER: (Per Shri Vipin Sanghi, Chief Justice)

Intervention Application (IA/9/2022)

This application has been moved by the interventionist to permit him to intervene in the present case, and to seek a direction to the respondents to make operational the legally compliant slaughter house (already constructed in Mangalore municipal area since 2021).

2. The present writ petition has been preferred by the petitioner, *inter alia*, to assail the order passed by the State Government banning slaughtering of animals in the district of Haridwar. The interventionist submits that he is the resident of Mangalore town which falls in the district of Haridwar, and is at a distance of about 45 kilometers from the town of Haridwar. The composition of population in the town of Mangalore is that the majority population i.e. to the extent of 87%, are Muslims. The festival of *Eid al-Adha (Bakar-Eid)*

would be celebrated on the 10th of July, 2022. The effect of ban on slaughter of animals in the district of Haridwar would be, that the Muslim residents of Mangalore town would not be able to regularly celebrate the festival of *Bakar-Eid*.

3. Learned counsel submits that the right of Muslim community, to celebrate their religious festival, cannot be curtailed absolutely and in the manner sought to be achieved by the governmental order dated 03.03.2021. He points out that after the issuance of order dated 3.3.2021, last year, when the festival of *Bakar-Eid* was celebrated, animals were sacrificed in the streets of Mangalore town. He submits that the authorities were not in a position to control the same and the impugned order is leading to infraction of law which is completely avoidable. Learned counsel has also submitted that an abattoir has been constructed in Mangalore town under the Public-Private Partnership (PPP) Model with all requisite permissions, and for this purpose, the State Government granted its permission on 23.12.2016. In fact, the said abattoir had to be constructed and made functional in the year 2011. Since that was not done, despite repeated orders, the Court was compelled to initiate contempt proceedings against several authorities. The charge was framed by the Court on 26.11.2019, however, those contempt proceedings have been stayed by the Supreme Court on 17.12.2019.

4. The purpose of issuance of order dated 03.03.2021 appears to be to assuage the feeling of Hindu community, since Haridwar is considered as a holy city from times immemorial. However, in our view, to the extent the said order puts a ban in a blanket manner, over areas such as town of Mangalore (situated about 45 kilometers from the town of Haridwar), and where the majority population is Muslim, even on the day of *Bakar-Eid*, appears to be unreasonable.

5. We, therefore, stay the operation of government order dated 03.03.2021 in respect of town of Mangalore on the occasion of *Bakar-Eid* which falls on 10th July, 2022. On the said date, the residents of Mangalore town, who wish to celebrate *Bakar-Eid*, shall sacrifice the animals only within the compound of abattoir, and not outside their residences. It shall be the responsibility of the interventionists to persuade the entire Muslim community in Mangalore town to ensure that no slaughtering of animal is undertaken on *Bakar-Eid* outside the premises of abattoir which is constructed on PPP Mode. The Municipal Board, Mangalore, District Haridwar, shall make necessary arrangements at the abattoir on the occasion of *Bakar-Eid* on 10th July, 2022.

6. Shri C.S. Rawat, learned Chief Standing Counsel, undertakes to inform the operative part of this order to the concerned authorities, including the District Magistrate, Haridwar for compliance. The respondent authorities shall implement the directions, issued above, without waiting for the order.

7. Intervention application (IA/9/2022) stands disposed of accordingly.

WPPIL No.44 of 2021

8. List this matter on 12.09.2022.

VIPIN SANGHI, C.J.

RAMESH CHANDRA KHULBE, J.

Dated: 07th July, 2022

Rdang