

Pathan Hamjadjkhan Mustufakhan vs Chief Officer, Sahera Nagar Palika on 11 March, 2024

Author: Vaibhavi D. Nanavati

Bench: Vaibhavi D. Nanavati

NEUTRAL C

C/SCA/1943/2024

ORDER DATED: 11/03/2024

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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 1943 of 2024

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PATHAN HAMJADKHAH MUSTUFAKHAN

Versus

CHIEF OFFICER, SAHERA NAGAR PALIKA

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Appearance:

NABIL O BLOCH(7953) for the Petitioner(s) No. 1

MR CHIRAG B PATEL(3679) for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 11/03/2024

ORAL ORDER

1. By way of present writ-application filed under Article 226 of the Constitution of India the writ-applicant herein has prayed for the following reliefs :-

"(A) Direct the Respondent -The Chief Officer - Sahera Nagar Palika to process the application filed by the Petitioner at Annexure A to this Petition and Grant a Legal and Valid NOC and Permission for Running Slaughter expeditiously without booking any delay as Petitioner is identical situated as Order as CAV order dated 11.4.2023 passed in CA NO 10 OF 2023 IN WRIT PETITION (PIL) No. 133 of 2021 by this Honorable Court Annexure-B and (B) Direct the Respondent -The Chief Officer -

Sahera Nagar NEUTRAL CITATION C/SCA/1943/2024 ORDER DATED: 11/03/2024 undefined Palika to process the application filed by the Petitioner at Annexure A to this Petition and to give opportunity of hearing to Grant a Legal and Valid NOC and Permission for Running Slaughter and (B) grant any other relief or pass any other order, which the Honourable Court may consider just and proper in the facts and circumstances of the case and in the interest of justice."

2. Heard Mr. Nabil O. Bloch, the learned advocate appearing for the writ-applicant and Mr. Chirag B. Patel, the learned advocate appearing for the respondent.

3. It is the case of the writ-applicant that by way of present writ-application the writ-applicant herein seeks direction to provide legal and valid NOC and permission for running slaughter house under the Food Safety and Standard Act, 2006 for licensing and registration of food business.

4. Being aggrieved and dissatisfied with the respondent - Sahera Nagarpalika wherein such license has not been issued the NEUTRAL CITATION C/SCA/1943/2024 ORDER DATED: 11/03/2024 undefined writ-applicant herein has approached this Court for the prayers as referred above.

5. Mr. Bloch, the learned advocate appearing for the writ- applicant on instructions states that the writ-applicant would prefer an application in the prescribed format with the respondent authority and that the same be decided by the respondent authority in terms of the order passed by the Hon'ble Division Bench in the Civil Application No.10 of 2023 in Writ Petition (PIL) No.133 of 2021 dated 11.4.2023 in paragraphs 6.3 and 6.4.

6. Mr. Patel, the learned advocate appearing for the respondent authority submitted that the respondent authority would consider if such an application is filed in line with the order dated 11.4.2023 passed in the Civil Application No.10 of 2023 in Writ Petition (PIL) No.133 of 2021.

7. Considering the aforesaid and statement made by Mr. NEUTRAL CITATION C/SCA/1943/2024 ORDER DATED: 11/03/2024 undefined Chirag Patel, the learned advocate appearing for the respondent authority, if the writ-applicant were to approach the respondent authority by preferring an application in the prescribed format seeking permission to run a slaughter house, the same be considered by the respondent authority in accordance with law and in line with the ratio laid down in order dated 11.4.2023 passed in the Civil Application No.10 of 2023 in Writ Petition (PIL) No.133 of 2021.

8. The present writ-application stands disposed of accordingly.

Direct service is permitted.

(VAIBHAVI D. NANAVATI,J) K.K. SAIYED