

ITEM NO.203

COURT NO.3

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).23637/2007

(From the judgement and order dated 07/02/2007 in DBCMA No.
428/2005 & DBCMA No. 619/2004 & DBCMA No. 1532/2004 & DBCMA No.
4783/2003 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

JAIPUR BHAINS GAYA DUGDH SAMITI & ORS.

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ORS.

Respondent(s)

(With prayer for interim relief and office report)
(FOR FINAL DISPOSAL)

Date: 30/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s)

Mr. Pallav Shishodia, Sr. Adv.
Mr. H.D. Thanvi, Adv.
Ms. Preeti Thanvi, Adv.
Mr. Sarad Kumar Singhania, Adv.

For Respondent(s)

Mr. S.K. Bhattacharya, Adv.
Mr. Milind Kumar, Adv.

UPON hearing counsel the Court made the following
O R D E R

The matter relates to the direction issued
by the High Court of Rajasthan on 20.10.2004
directing that the Milk dairies shall be removed
from the Jaipur City limits, within four months as
per the earlier order dated 6.9.2004. On an
application for clarification filed by the Jaipur
Municipal corporation, the High Court made the
impugned order dated 7.2.2007:

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"There was no need to seek further
direction or clarification in this
regard. The counsel for the Jaipur
Municipal Corporation Mr. Rastogi stated
that all facilities for shifting the
dairies have already been ensured, which
is vehemently opposed by the counsel for
the respondents Mr. Bhandari. However,
it is not for this Court to enter into
all these facts as this application has
been filed merely to seek a
clarification, which is not required as
there is already a specific and
unambiguous order dated October 20, 2004

directing the shifting of dairies, as already referred to hereinabove. The application, therefore, stands rejected."

The said order is sought to be challenged by the Jaipur Bhains Gaya Dugdh Samiti on the ground that alternative site does not have full facilities. The order for shifting was made as long back on 2004. If the matter is delayed, whatever facilities that have been already provided will also become useless. We find no ground to interfere under Article 136 of the Constitution of India. The Special Leave Petition is dismissed.

The time for shifting is however extended till 30th November, 2010. Learned counsel for the respondent stated that all the basic facilities are available at the earmarked alternative site and as and when the cattle owners move to the earmarked area and bring to the notice of the respondents about any deficiencies in facilities, the same will be considered and dealt with appropriately. The said statement is recorded making it clear that it is not intended to create or recognise any right in the petitioners to further delay the shifting.

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(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master