

C.A.No. 3769 OF 1996
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ITEM NO.107 COURT NO. 1 SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No.3769/1996 @@
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Buffalo Traders Welare Asson. Appellant (s)

VERSUS

U.O.I. & Ors. Respondent (s)
(With appln.(s) for intervention and impleading party and
directions and office report)

WITH

- C.A.No.3773/1996 (With appln.(s) for intervention and impleading party)
- C.A.No.3771/1996
- W.P.(C) No.452/1995 (With appln.(s) for stay and directions)
- C.A.No.3772/1996
- C.A.No.3774/1996 (With appln.(s) for discharge of Advocate on record)
- C.A.No.3770/1996
- W.P.(C) No.D14793/2000 (With office report)

Date : 09/10/2001 These appeals were called on for hearing today.

CORAM :

- HON'BLE MR. JUSTICE S.P. BHARUCHA
- HON'BLE MR. JUSTICE Y.K. SABHARWAL
- HON'BLE MR. JUSTICE BRIJESH KUMAR

- For Appellant (s) Mr. T.R. Andhyarujina, Sr.Adv.
- in CA 3769/96 Mr. Jawahar Lal, Adv.
- Mr. Sameer Parekh, Adv.
- Mrs. Yugandhara Jha, Adv.
- Mr. P.H. Parekh, Adv.
- in CA 3774/96: Mr. Shekhar Prit Jha, Adv.
- Mr. Sudhir Nandrajog, Adv.
- CA 3772/96: Mr. B.S. Banthia, Adv.
- WP 452/95: Mr. Mukesh K. Giri, Adv.
- For M.C.D.: Ms. Binu Tamta, Adv.

...2/-

- For Respondent (s) Mr. D. Goburdhan, Adv.
- Ms. Pinky Anand, Ms.Geeta Luthra, Advs.

Mr. Sushil Kumar Jain, Adv.
Mr. A.P. Dhamija, Adv.

Mr. Hardeep Singh Anand, Adv.

For State of UP:

Mr. Subodh Markandeya, Sr.Adv.
Ms. Chitra Markandeya, Mr.Alok Gupta, Adv.
Ms. Feroza Bano, Adv.

Mr.V.B.Saharya, Adv.
for M/s. Saharya & Co., Adv.

Mr. Shakil Ahmed Syed, Adv.

Ms. Sangeeta Kumar, Adv.

Mr. M.C. Mehta, Adv.

For CPCB:

Mr. Vijay Panjwani, Adv.

Mr. Goodwill Indeevar, Adv.

Mr. K.R.Rajasekaran Pillai, Adv.

Mr. Shrish Kumar Misra, Adv.

For Mrs.Maneka Gandhi: Ms. Seema Midha, Adv.

For Delhi Admn.: Mrs. Rekha Pandey, Adv.
Mr. D.S. Mahra, Adv.

Mr. K.C. Dua, Adv.

Mr. Mukesh K. Giri, Adv.

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

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.SP2

The impleadment application in C.A.No.3773/1996 was, as the order dated 31st January, 2001 stated, to be considered only if and when the Municipal Corporation, Delhi passed a formal resolution that it proposed to continue to operate the present Idgah slaughter house after modernising it, subject to the sanctions in this behalf
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being obtained. Learned counsel told us today that the necessary resolution has been passed. This resolution is Resolution No.204, dated 13th August, 2001. It reads thus:

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"Resolved that as proposed by the Commissioner in his letter No.F.33/Health/705/C&C dated 22.3.2001, and recommended by the Standing Committee vide its Resolution No.214 dated 21.6.2001, modernisation of Idgah Slaughter House at the existing site, be approved.

Resolved further that the Commissioner be asked to simultaneously continue to make efforts to find an alternative site for the Slaughter House."

.SP2

The second paragraph of the resolution makes it clear that the Municipal Corporation is still looking for an alternate site for the slaughter house and that, therefore, it does not propose to continue to operate the present Idgah slaughter house after modernising it. The resolution does not meet the requirement of the order dated 31.1.2001.

Learned counsel submits that the quest for an alternate site is in regard to a possible need in the future. That is not what the resolution says, nor is there any other material shown to us in support of the submission.

The application for impleadment in C.A.No.3773/96 is, accordingly, dismissed.

On the application of learned counsel for the Municipal Corporation, Delhi, the matter is adjourned for two weeks.

The appellant in C.A.No.3769/96 shall be at liberty to file a further affidavit.

.SP1

(N. Annapurna)
Court Master

(Shelly Sengupta)
Court Master