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C.A.No. 3769 OF 1996
ITEM No.301

Court No. 2

SECTION XIV

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

I.A.No.19 in Civil Appeal No.3769/1996

BUFFALO TRADERS WELFARE ASSON.

Appellant (s)

VERSUS

U.O.I. & ORS.

Respondent (s)

(for clarification/direction and office report)

I.A.No.22 (appln. for intervention/direction) in CA No.3769/1996

Date : 05/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner (s) :Mr. Jayant Bhushan, Sr.Adv.

Ms.Shireen S.P. Singh, Adv.

Mr. Rohit Alex, Adv.

Mr. Rajiv Mishra, Adv.

Mr. B.B. Bhatia, Adv.

Ms. Iti Sharma, Adv.

ForM/s. P.H. Parekh & Co.

I.A.22Mr. A. Saran, ASG.

Ms. Rekha Pandey, Adv.

Ms. Anil Katiyar, Adv.

For Respondent (s)Mr. Y.P. Mahajan, Adv.

Mr. K.C. Dua, Adv.

Mr. M.C. Mehta, Adv.

Mr. Sushil Kumar Jain, Adv.

Ms. Pratibha Jain, Adv.

Mr. A.P. Dhamija, Adv.

Ms. Ruchi Kohli, Adv.

Mr. Ram Niwas, Adv.

Mr. Sarad Singhania, Adv.

Mr. H.D. Thanvi, Adv.

Mr. Puneet Jain, Adv.

Ms. Mona Rajvanshi, Adv.

Mr. L.P. Singh, Adv.

Ms. Binu Tamta, Adv.

Mr. Hardeep Singh Anand, Adv.

Ms. Chitra Markandaya, Adv.

For DDAMr. V.B. Saharya, Adv.

forM/s. Saharya & Co.

Mr. S.A. Syed, Adv.

For CPCBMr. Vijay Panjwani, Adv.

Mr. Goodwill Indeevar, Adv.

For NCT Delhi/Mr. A.Saran, ASG.
Delhi Admn.Mrs. Rekha Pandey, Adv.
Mrs. Anil Katiyar, Adv.

Mr. K.R. Rajasekaran Pillai, Adv.

Mr. Shrish Kumar Misra, Adv.

Mr. Ashok K. Srivastava, Adv.

for MCDMr. Mukul Rohtagi, Sr.Adv.
Mr. Sanjiv Sen, Adv.
Mr. Rajan Narain, Adv.

Mr. Prashant Chaudhary, Adv.

Mr. S. Wasim A. Qadri, Adv.
For U.P.Mr. Kamendra Mishra, Adv.
Mr. Rajeev Kumar, Adv.
Mohd. Saud, Adv.
Ms. Rashmi Singh, Adv.

Mrs. Sheil Mohini Sethi, Adv.

Mrs. Seema Midha, Adv.

Mr. Sakesh Kumar, Adv.
Mr. Satish K. Agnihotri, Adv.

UPON hearing counsel the Court made the following

O R D E R

The question of shifting and modernisation of the slaughter house presently situated at Idgah has been pending consideration before this Court for the last over 8 years. Before that this issue was pending before the Delhi High Court for a long time. During the course of hearing of this appeal on various dates, various lands available for shifting the slaughter house (abattoir) were considered and one of them was the land fill area at Ghazipur.

On 14.7.2004 after considerable discussion the Municipal Corporation of Delhi (MCD) proposed the land fill area at Ghazipur as the most appropriate place for constructing a modern abattoir for which they submitted sufficient funds had been made available by the concerned Government and other authorities. They also submitted to this Court that an ultra modern abattoir in collaboration with foreign parties can be constructed at that place which would not either aesthetically or otherwise, cause any inconvenience to the residents in the surrounding areas. They also undertook to develop the land in and around the proposed abattoir by landscaping the same. It was also promised that all the wastes after slaughtering will be incinerated in accordance with the Pollution Control laws and the project would not be an eye sore.

Hence, taking note of the unhygienic conditions in which the present slaughterhouse is functioning and with a view of developing the same into a modern abattoir, this Court directed the shifting of the present activities of the slaughterhouse at Idgah within six months for which necessary temporary arrangements were directed to be made by the MCD in cooperation with other concerned authorities and a modern abattoir as submitted to this Court which would function scientifically was directed to be constructed and completed within 2 years from the said date. The MCD had agreed to undertake that exercise and assured the Court that it would complete the project well within the time stipulated in our order. At different stages of hearing, we have also been assured by the MCD that the developmental work is going on in full swing and they have already spent several crores of rupees on this project.

In this appeal, Union of India, Delhi Development Authority (DDA), the Central Pollution Control Board (CPCB), NCT Delhi/Delhi Administration, State of U.P. apart from the MCD along with other contesting persons were parties and were represented through their counsel, all of them were heard before the abovementioned order of this Court was passed on 14.7.2004 and no one including private parties objected to the same.

At no point of time when the matter was pending before this Court and more so immediately after the order was passed, no objection was taken that Ghazipur land fill area is not a suitable place for constructing an abattoir because of its proximity to the Hindon air-base. It is only yesterday, the learned Additional Solicitor General moved an application on behalf of the Indian Air Force wherein it is stated that construction of an abattoir could be hazardous to the activities of the Air Force from Hindon air-base. The statement made therein, if really true, would per se compel us at this belated stage to stop further construction of the abattoir at Ghazipur. We really do not know the reason behind this belated application by the Air Force because ever since the order passed by us on 14.7.2004, there has been wide media coverage and di

scussions for and against establishment of an abattoir at Ghazipur. It is very difficult to understand how these media reports did not come to the notice of the Indian Air Force till recently in spite of the fact an organisation like the Air Force must be keeping constant vigil on the safety of its air base.

Be that as it may, since the apprehension expressed by the Air Force for whatever reason, as stated above, compels us to have a rethink on this entire project which sadly has progressed considerably. For this we must squarely hold responsible all persons concerned with the safety of the activities of the Air Force from Hindon air-base for not having brought to our notice the possible danger to the said activities of that air-base by the construction of the abattoir at Ghazipur. .

Since we sense that some of the concerned respondents are not sincerely interested in solving this problem which in the ordinary course ought to have been their duty and responsibility and which is thrust upon this Court for want of will on the part of the said respondents, we are constrained to summon the Chief Secretary of NCT Delhi and the Secretary, Ministry of Urban Development, Government of India, to be present in this Court on 17.11.2004 on which date they shall file an affidavit why this possible danger to the activities of the air-base at Hindon was not brought to our notice when the decision was taken to choose Ghazipur as the place for constructing the abattoir. They will also indicate to this Court on that date a definite alternative site suitable for construction of an abattoir and commit themselves to acquire and hand-over possession such land to the MCD for construction of a new abattoir as well as for shifting the activities of the slaughterhouse from Idgah as an immediate measure.

The NCT Delhi as well as the Union Ministry of Urban Development will also show cause why they should not be called upon to compensate the MCD for the amount already spent in developing the land-fill area at Ghazipur.

Call this matter on 17.11.2004.

(PAWAN KUMAR) (PREM PRAKASH)
COURT MASTER COURT MASTER