

ITEM NO.1A

COURT NO.1

SECTION XVI

(For Judgment)

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

CIVIL APPEAL NO(s). 4937-4940 OF 1998

STATE OF GUJARAT

Appellant (s)

VERSUS

MIRZAPUR MOTI KURESHI KASSAB JAMAT &amp; ORS

Respondent(s)

WITH

Civil Appeal Nos. 4941-4944 of 1998 (Ahimsa Army Manav Kalyan J.D.C.

Trust vs. Mirzapur Moti Kureshi &amp; Ors.) and

Civil Appeal No. 4945 of 1998 (Akhil Bharat Krishi Goseva Sangh vs.

Mirzapur Moti Kuresh K. Jamat &amp; Ors.).

(Heard by Hon'ble the Chief Justice, Hon'ble B.N. Agrawal, Arun Kumar,

G.P. Mathur, A.K. Mathur, C.K. Thakker and P.K. Balasubramanyan, JJ.)

Date: 26/10/2005 These Appeals were called on for pronouncement of

Judgment today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE G.P. MATHUR

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Appellant(s)

in CA 4937-40/98

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Mr. Manish Singhvi, Adv.

Ms. Abhilasha Singhvi, Adv.

Mr. Mayur Shah, Adv.

Mr. Rutwick Panda, Adv.

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in CA 4941-44/98

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Mr. Jasraj Shri Shrimal, Adv.

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Mr. Pradeep Aggarwal, Adv.

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Ms. Pratibha Jain, Adv.

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Mr. Puneet Jain, Adv.

Mr. Lal Pratap Singh, Adv.

Mr. Ram Niwas, Adv.

Ms. Rani Maheshwari, Adv.

in CA 4945/98

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For Respondent(s)

Mr. G L Sanghi, Sr. Adv. (in CA 4937-40)

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Ms. Tanuja Sheel, Adv.

Mr. M R Bhatt, Adv.

Mr. Chirag M Shroff, Adv.

Mr. M S Girish, Adv.

Mr. Sunil Kumar Jain ,Adv.

Mr. Manish Kumar, Adv.

Mr. S Borthakur, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

(in CA 4937-40)

Mr. Nikhil Goel, Adv.

Ms. Naveen Goel, Adv.

Mrs Sheela Goel ,Adv.

(in CA 4937-40)

#### RECORD OF PROCEEDINGS

Hon'ble the Chief Justice pronounced the majority judgment on behalf of himself, Hon'ble B.N. Agrawal, Arun Kumar, G.P. Mathur, C.K. Thakker and P.K. Balasubramanyan, JJ., allowing all the appeals. The impugned judgment of the High Court is set aside. The Bombay Animal Preservation (Gujarat Amendment) Act, 1994 (Gujarat Act No. 4 of 1994) is held to be intra vires the Constitution. All the writ petitions filed in the High Court are directed to be dismissed.

Hon'ble Mr. Justice A.K. Mathur pronounced  
a

dissenting judgment.

(D.P. WALIA)

COURT MASTER

(RADHA R. BHATIA)

COURT MASTER

(Reportable Signed Judgments are placed on the file)