

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 120 OF 2020

Amrut Shabilal Singh

..... Petitioner

V e r s u s

The Government of Goa and Ors.

..... Respondents

Mr. J. S. Keni and Mr. Mukesh Gupta, Advocates for the Petitioner.

Mr. D. Pangam, Advocate General with Mr. P. Arolkar, Additional Government Advocate for the Respondents.

Coram :- M. S. SONAK &
M. S. JAWALKAR, JJ.

Date : 31st July, 2020

P.C.

1. Heard Mr. J. S. Keni, the learned Counsel for the petitioner and Mr. D. Pangam, the learned Advocate General for the respondent nos. 1, 4 and 5.

2. Mr. Keni, the learned Counsel for the petitioner points out that the orders dated 23rd and 24th July, 2020, which have been impugned in this petition were notified hardly two days ago and, therefore, this petition has

been instituted in a great rush. He points out that the orders facilitate the import and slaughter of animals in the State of Goa. He points out that on account of the current Covid-19 pandemic, it will be extremely unsafe to permit either the import or even the slaughter of such animals in the State of Goa. He refers to certain articles in newspapers and journals to point out that there is a possibility of the spread of the pandemic through the import of such animals meant for slaughter. He also refers to some six bulls being brought into the State of Goa for the purpose of slaughter and pointed out that such slaughter, if permitted, will be contrary to the provisions of Section 4 and other sections of The Goa Animal Preservation Act, 1995 (*said Act*, for short). For all these reasons, he submits that the reliefs in this petition are liable to be granted and in the meanwhile by way of interim relief, the impugned orders appointing competent authority or even otherwise permitting any import of animals for the purpose of slaughter, be stayed.

3. The learned Advocate General points out that unlike in some other States, in the State of Goa, slaughter is permitted only at Goa Meat

Complex which is an agency and instrumentality of the State. He points out that there was a litigation, in which, this Court, had issued certain directions regards the functioning of the Goa Meat Complex and such directions are being duly complied with. He points out that the orders, which are challenged, are to operate only for a period of three days on account of festival which is, in fact, to conclude tomorrow, i.e. 01.08.2020. He points out that the Ministry of Home Affairs (MHA) has issued detailed guidelines and protocols under the provisions of The Disaster Management Act for dealing with issues relating to the pandemic. He pointed out that none of these guidelines/protocols prohibit the import of such animals or for that matter food items. He submits that the activities will be undertaken in accordance with law and the apprehensions expressed by the petitioner may not have any basis.

4. We appreciate the contention of Mr. Keni, learned Counsel, that this petition has been filed in a rush. Therefore, we direct the respondents to file a response to the issues raised in this petition within a period of two weeks from today. However, we are quite clear that no case, whatsoever, has been

made out for grant of any interim relief. In the first place, we find that the petition is mainly based upon articles in newspapers and journals. Secondly, we find that if the orders which are impugned in this petition are to be set aside or stayed, then such orders might conflict with the statutory provisions under Section 4 of the said Act upon which the petitioners themselves have placed reliance. It is necessary to note that the impugned orders only appoint competent authorities who are to examine the issues arising out of slaughter of animals. Therefore, if the Government seeks to follow the law, the Government cannot be restrained from doing so.

5. The apprehensions expressed on the basis of the pandemic situation are rather vaguely expressed as pointed out by the learned Advocate General. Besides, the contention of the learned Advocate General that slaughter in Goa is undertaken only at the Goa Meat Complex which is the agency and instrumentality of the State, also lends assurance to the fact that nothing illegal or untoward will be permitted to happen. There is also no reason to believe that the MHA guidelines or any other safety measures will not be complied with by the State or its instrumentalities and agencies. Therefore,

on the basis of the apprehensions expressed, it is not possible to entertain any prayer for interim relief now that two out of the three days for which this arrangement was made has already expired.

6. The respondents to furnish copies of their replies to the learned Counsel for the petitioner by email. If the petitioners wish to file any rejoinder in the matter, they are granted one week's time to do so.

7. Place this matter for further consideration on 20.08.2020.

8. Further, we issue notice to the unserved respondents, which are also made returnable on 20.08.2020. The petitioner to take steps to serve such notices and, if such unserved respondents, on service wish to file reply, they are also granted liberty to do so on the aforesaid terms.

M. S. JAWALKAR

M. S. SONAK, J.

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