

21.05.2026
Item Nos.1 to 11
Ct. No.1

W.P.A. (P) 236 of 2026
Ramkrishna Pal
Vs.
The State of West Bengal & Ors.
With
W.P.A. (P) 245 of 2026
Mohammed Zafar Yasin
Vs.
The State of West Bengal & Ors.
With
W.P.A. (P) 253 of 2026
Md. Shakil Warsi
Vs.
The Union of India & Ors.
With
W.P.A. (P) 250 of 2026
West Bengal State Jamiat-E-Ulama
Vs.
The State of West Bengal & Ors.
With
W.P.A. (P) 240 of 2026
Vinod Kumar Sharma
Vs.
The State of West Bengal & Ors.
With
W.P.A. (P) 242 of 2026
Tanweer Khayer
Vs.
The State of West Bengal & Ors.
With
W.P.A. (P) 243 of 2026
Akhruzzaman
Vs.
The State of West Bengal & Ors.
With
W.P.A. (P) 244 of 2026
All India Mutawalli Association & Anr.
Vs.
The State of West Bengal & Ors.
With
W.P.A. (P) 246 of 2026
Sekh Motiur Rahman
Vs.
The State of West Bengal & Ors.
With
W.P.A. (P) 247 of 2026
Citizen Forum For Social Justice & Anr.
Vs.
The State of West Bengal & Ors.
With

W.P.A. (P) 248 of 2026
Malay Tewary & Ors.
Vs.
The State of West Bengal & Ors.

Ms. Debjani Dasgupta
.....For the Petitioner [W.P.A. (P) 236 of 2026]

Mr. Meghnad Dutta
Ms. Debarati Das
Mr. Arindam Paul
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Mr. Mustafijur Rahman
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Ms. Afreen Begum
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Mr. Muhammad Jawwad
Mr. H. Rahaman
Ms. Shaheena Parveen
Ms. S. Parveen
Mr. Jennifer Jenni
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Mr. Syed N. Islam
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Ms. A. Jana
Mr. Mithun Mondal
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Mr. Parvej Anam
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Ms. Shreya Das
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.....For the Petitioner [W.P.A. (P) 243 of 2026]

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Ms. Aafreen Parveen

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Mr. M. Jawwad

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.....For the Petitioners [W.P.A. (P) 244 of 2026]

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Mr. Mrityunjoy Chatterjee

Mr. Syed Nafirul Islam

Md. Babul Hossain

Mr. Yadavendra Siddhant

Ms. Afsana Khan

Mr. Prem Raj Sharma

Mr. Ataul Mustafa

Md. Sayeed Khan

Md. Ejaj Akhtar

Mr. Mithun Mondal

Mr. Parvej Alam Khan

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.....For the Petitioner [W.P.A. (P) 245 of 2026]

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Ms. Nandini Mitra

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Mr. Asish Santra

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Ms. Ambiya Khatun

Md. Nasirul Haque

Mr. Aminuddin Khan

Ms. Gulsanwara Pervin

Ms. Reshma Khatun

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Mr. Huma Shakil

Ms. Shreya Das

Mr. Siladitya Rakshit

Mr. Nazim Uddin Siddiquee

Mr. Enamul Islam

Mr. Arka Ranjan Bhattacharya

Mr. Alauddin Ahammed

Md. B. Mir

Mr. Asif Iqbal Baidya
Mr. Aminuddin Khan
Ms. Anjana Mehbub
Mr. Purbayan Chakraborty
Ms. Sabnam Mostari
Mr. Altamas Haider
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.....For the Petitioners [W.P.A. (P) 246 of 2026,
W.P.A. (P) 247 of 2026 & W.P.A. (P) 248 of 2026]

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Mr. Nasirul Haque
Ms. Reshma Khatun
Mr. Asif Iqbal Baidya
Mr. Huma Shakil
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.....For the Petitioners [W.P.A. (P) 247 of 2026
& W.P.A. (P) 248 of 2026]

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Ms. Priyanka Sharma
Ms. Tanaya Banerjee
Mr. Taher Ahamed
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.....For the Petitioner [W.P.A. (P) 250 of 2026]

Mr. Sabyasachi Chatterjee
Mr. Badrul Karim
Mr. Risabh Ahamad Khan
Mr. Kiran Sk.
Md. Danish
Ms. Shreya Das
Ms. Saumili Karmakar
Mr. Arif Khan

.....For the Petitioner [W.P.A. (P) 253 of 2026]

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Ms. Rashmi Bothra

.....For the Union of India

Mr. Nilanjan Bhattacharya, Ld. Sr. Standing
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Mr. Dhiraj Trivedi, Sr. Adv.
Mr. Dibasis Basu
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Ms. Tanushree Ghosh
Ms. Sudipa Banerjee

Ms. Debjani Ghosal

.....For the State of West Bengal

Mr. Nilotpal Chatterjee

Ms. Tanushree Dasgupta

.....For the K.M.C.

Mr. Dhiraj Kr. Trivedi, Sr. Adv.

Mr. Bikash Kr. Singh

Mr. Sunil Gupta

Ms. Anamika Pandey

Ms. Amrita Pandey

Ms. Sayani Roy Chowdhury

Ms. Swapna Jha

Ms. Supriti Sarkhel

.....For the Police Authorities

DICTATED BY SUJOY PAUL, CJ.:

1. In this batch of matters, the principle challenge relates to the notice dated 13.05.2026 with regard to the guidelines to be followed or compliance of **West Bengal Animal Slaughter Control Act, 1950 (Act of 1950)**. In few matters the constitutionality of certain provisions of Act of 1950 and the said notice dated 13.05.2026 are called in question. Thus, with the consent of parties, these matters were analogously heard and present common order is passed.

WPA (P) 242 of 2026, WPA (P) 244 of 2026,

WPA (P) 245 of 2026 & WPA(P) 250 of 2026:

2. In this batch of matters the principle relief of petitioners is directed against the said notice dated 13.05.2026 whereby the Government of West Bengal has prescribed certain conditions mentioned from Clause (a) to Clause (h). The learned Counsel for the petitioners has taken

pain to submit that the above public notice runs contrary to the Act of 1950 and the Rules made thereunder. In support of their contentions, they placed reliance on certain judgments as well.

3. Mr. Ashok Kr. Chakraborty, Ld. A.S.G., Mr. Nilanjan Bhattacharya, Ld. Sr. Standing Counsel for the State of West Bengal and Sri Nilotpall Chatterjee, Standing Counsel for KMC and Sri Dhiraj Kr. Trivedi, Learned Senior Advocate for the Police Administration, Government of West Bengal took a common stand that the public notice dated 13.05.2026 shows that it is passed in compliance of order dated 16.08.2018 passed by this Court in WP 328 of 2018 and certain other matters. The orders passed by this Court mentioned in the first para of the public notice have attained finality in absence of any challenge. Thus, if in the notice the directions issued by this Court are reduced in writing, this coordinate Bench has no occasion to interfere with the same.
4. In WPA(P) 240 of 2026, Mr. Nilotpall Chatterjee upon receiving instructions from KMC urged that the corporation has slaughter houses which are equipped with necessary infrastructure. The corporation has also provided appropriate officials/persons to issue necessary certificate for the purpose of

slaughter. The emphasis is bid by Mr. Chatterjee on his contention that till date corporation has not received any application seeking certificate/permission for slaughter of animals from the petitioners.

5. Sri Nilotpall Chatterjee for KMC submitted that the certain relevant provisions are there in the **Kolkata Municipal Corporation Act, 1980**. For Example, Section 428(2) of the Act is relied upon. Furthermore, Section 610 is highlighted to submit that it is a penal provision. Both sides relied on certain judgments of this Court.
6. We have heard the parties at length. During the course of hearing, this fact was not disputed by either of the parties that the impugned notice dated 13.05.2026 is issued in compliance of certain orders passed by this Court details whereof are mentioned in the first paragraph of the notice.
7. This Court in **WP 328 of 2018 (Rajyashree Chaudhuri vs. The State of West Bengal & Ors.)** issued similar directions which are reproduced for ready reference:

“a) No person shall slaughter any animal thereby meaning (Bulls, Bullocks, Cows, Calves, Male and Female Buffalos, Buffalo Calves and Castrated Buffalos) unless he has obtained in respect thereof a certificate that the animal is fit for slaughter;
b) The Chairman of a Municipality or the Sabhapati of a Panchayat Samity and a Vetrinary Surgeon may issue a joint certificate regarding fitness of an animal for slaughter, if

they are both of the opinion to be recorded in writing that the animal is over 14 years of age for work or breeding or the animal has become permanently incapacitated due to age, injury, deformity or any incurable disease.

c) In case of refusal to issue such certificate, the aggrieved person may prefer an appeal to the State Government within 15 days of communication of such refusal.

d) An animal, in respect of which a certificate has been issued, shall be slaughtered only in a Municipal Slaughter House or any other Slaughter House identified by the local administration.

e) Nobody shall resist inspection of any premises by a person authorized by the Chairman of a Municipality or the Sabhapati of a Panchayat Samity as the case may be or the Veterinary Surgeon for implementing the provisions of the West Bengal Animal Slaughter Control Act, 1950.

f) Whoever contravenes any of the above provisions of law, shall be punishable with imprisonment for upto six months or with fine upto Rs.1000/- or with both. All offences under the 1950 Act shall be cognizable offences.

g) The relevant decisions of the Hon'ble Supreme Court of India and the Calcutta High Court are available in the official website of the Department being <http://wbard.gov.in>."

8. If the conditions mentioned in the impugned notice are examined in juxtaposition to the conditions mentioned by this Court in WP 328 of 2018, it will be crystal clear that the impugned public notice is issued for implementing the order passed by this Court in WP 328 of 2018. This is also not in dispute that the order passed by the coordinate Bench in WP 328 of 2018 has attained finality. In this view of this matter, we find no basis to stay or set aside the public notice dated 13.05.2026. Thus, these petitions are

dismissed so far notice dated 13.05.2026 is concerned

9. We are also inclined to observe that it will be lawful for the State to examine whether there exists proper mechanism for issuance of necessary certificate under the Act of 1950 and Rules for slaughter of animals. In addition, whether responsible officers are in place in the State for issuing such certificate and whether the necessary infrastructure is at place in the entire State where slaughter can take place. If any deficiency is found by the State, we hope and trust that same shall be cured at the earliest.

WPA(P) 240 of 2026:

10. Interestingly, in this petition also challenge is mounted to the same notice dated 13.05.2026. The principle prayer is to include two conditions in the said notice dated 13.05.2026. The conditions are (i) the authorities be directed to incorporate two additional points relating to slaughter of animals including the cows and buffalos in any open public place is strictly prohibited and (ii) sacrifice of a cow is not part of any religious requirement/ festival. The ancillary interim prayer is prayed for in Clause (o), (q) and (r). The learned A.S.G. and the Standing Counsel for the State, Police and KMC have

not opposed the prayer. We have considered the arguments on this aspect and in view of various orders passed by this Court, find substance in this contention. In **GA 2325 of 2018 in WP 328 of 2018 (Rajyashree Chaudhuri vs. the State of West Bengal & Ors.)** this Court opined as under:

“However, since the State pleads its inability to immediately implement the provisions of the 1950 Act because of lack of machinery, as stated in the paragraphs extracted above, on the assurance given to us by the learned Advocate General on instruction from Sri Swapan Paul, Additional Secretary to the Government of West Bengal, Home Department who is present in Court to the effect that the State will be in a position to strictly implement the provisions of the 1950 Act before observance of IDUZ-ZOHA next year, we modify our aforesaid order by permitting the State to issue public notice in the manner it was done last year. However, two additional things must be mentioned in the said notice. Firstly, slaughter of animals including cows and buffalos in any open public place is strictly prohibited. Secondly, sacrifice of a cow is no part of the festival of ID-UZ-ZOHA and is not a religious requirement under Islam as held by the Supreme Court in the case of Mohd. Hanif Quareshi & Ors. Vs. The State of Bihar. So far as issuance of public notice for the next year before observance of IDUZ-ZOHA is concerned, such notice must be in line with the order that we had passed on 16th August, 2018 and must be published at least one month before the observance of the festival of ID-UZ-ZOHA.”

(Emphasis Supplied)

11. Pertinently, the points canvassed by learned Counsel for the petitioner were considered by a Division Bench in **WP 328 of 2018 (Rajyashree Chaudhuri vs. the State of West Bengal & Ors.)** and this Court opined as under:

“However, since the State pleads its inability to immediately implement the provisions of the 1950 Act because of lack of machinery, as stated in the paragraphs extracted above, on the assurance given to us by the learned Advocate General on instruction from Sri Swapan Paul, Additional Secretary to the Government of West Bengal, Home Department who is present in Court to the effect that the State will be in a position to strictly implement the provisions of the 1950 Act before observance of IDUZ-ZOHA next year, we modify our aforesaid order by permitting the State to issue public notice in the manner it was done last year. However, two additional things must be mentioned in the said notice. Firstly, slaughter of animals including cows and buffalos in any open public place is strictly prohibited. Secondly, sacrifice of a cow is no part of the festival of ID-UZ-ZOHA and is not a religious requirement under Islam as held by the Supreme Court in the case of Mohd. Hanif Quareshi & Ors. Vs. The State of Bihar.

So far as issuance of public notice for the next year before observance of IDUZ-ZOHA is concerned, such notice must be in line with the order that we had passed on 16th August, 2018 and must be published at least one month before the observance of the festival of ID-UZ-ZOHA.

The State authorities shall take all necessary steps to ensure that the provisions of 1950 Act are implemented prior to observance of the festival of ID-UZZOHA next year. The State should also ensure that there is no slaughter of animals in any open public place.”

12. A careful perusal of this above para shows that two conditions were directed to be mentioned in the notice. *Firstly*, slaughter of animals including cows and buffalos in any open public place is strictly prohibited. *Secondly*, sacrifice of a cow is no part of festival of Id-Uz-Zuha and is not a religious requirement under Islam as held by Supreme Court in the case of **Mohd. Hanif Quareshi & Ors. Vs. State of Bihar (1975 SCC OnLine SC 17)**.

13. In view of this authoritative pronouncement of the coordinate bench, we find no difficulty in directing the State to consider amendment of the impugned notice by inserting aforesaid two conditions forthwith. We order accordingly. This petition stands **disposed of** with the above direction.

14. So far, the question of grant of exemption under Section 12 of the Act of 1950 is concerned regarding which prayer is made in several writ petitions including WPA(P) 243 of 2026, learned Senior Standing Counsel on his specific query from the fact fairly admitted that Section 12 of the Act of 1950 is an enabling provision and State has no hesitation to take a decision regarding necessity of grant of exemption by invoking Section 12 of the said Act.

15. In this view of this matter, we are inclined to direct that the State shall take a decision in the teeth of Section 12 of the Act of 1950 regarding exemption prayed for by certain petitioners. Considering the fact that the festivals may take place on 27/28th of this month, the State shall take a decision in this regard within 24 hours from the date of communication of this order.

WPA (P) 236 of 2026

16. In this PIL, it is prayed that the respondent authority be directed to take effective steps to prevent illegal slaughter of cows in the State of West Bengal particularly during the upcoming festival. Furthermore, it is prayed that Special Task Forces at District level for monitoring the same be directed to be constituted.

17. In our opinion, Act of 1950 takes care of the relief prayed for by the petitioner and we have no doubt that State will endeavour to implement the Act and Rules made thereunder in its true spirit.

18. The PIL is **disposed of**.

**WPA(P) 253 of 2026, WPA(P) 246 of 2026,
WPA(P) 247 of 2026 & WPA(P) 248 of
2026:**

19. The constitutionality of Sections 4, 6, 7, 8 and 11 of the Act of 1950 are called in question in these petitions. Sri Bikash Ranjan Bhattacharjee, learned Sr. Counsel had argued at length and urged that the Act of 1950 was sought to be made applicable only to Kolkata City and municipalities for which notifications have been issued. It does not apply to the entire State. He raised certain other contentions as well. Sri Nilanjan Bhattacharya, Ld. Sr. Standing Counsel

submits that he intends to file an affidavit-in-opposition in this matter.

20. We have heard the parties at length. The Act of 1950 is a statute which is prevailing since 76 years. It is trite that there exists presumption of constitutionality of a statutory provision unless it is specifically declared as unconstitutional. Thus, no case for grant of interim relief is made out. The aspect of constitutionality will be considered after exchange and completion of pleadings by the parties. The prayer for interim relief is declined.

21. As a result, except WPA(P) 246 of 2026, WPA(P) 247 of 2026, WPA(P) 248 of 2026 and WPA(P) 253 of 2026 all other writ petitions are **disposed of.**

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)