



2026:AHC:185394-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 34620 of 2026

Junaid Alam

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar, Pratyush Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE GARIMA PRASHAD, J.

1. Heard learned counsel for the petitioner and Sri Manoj Kumar Mishra, learned Standing Counsel for the State-respondents.
2. The petition seeks quashing of the order dated 22.05.2025 passed by the District Magistrate, Kanpur Nagar, rejecting the petitioner's application dated 04.04.2025 for reopening of the slaughter house. A further direction is sought to allow the petitioner reasonable time to modernise the two-unit slaughter house and to resume its operation.
3. In Writ-C No. 12801 of 2025 filed earlier by the petitioner, this Court, by order dated 28.04.2025, directed the District Magistrate to consider the application dated 04.04.2025, examine the complaint regarding closure of the slaughter house and the request for permission to reopen it, and take a decision within four weeks.
4. Learned counsel for the petitioner submits that the petitioner holds Food Safety Registration Certificate No. 22723651000475, issued on 29.06.2024 and stated to be valid until 29.11.2028. The certificate describes the kinds of business as "Slaughtering units, Distributor", while its product annexure mentions frozen beef and frozen poultry meat. Reliance is also placed on the petitioner's GST and Udyam registrations, laboratory test reports and a No Objection Certificate said to have been issued by the Nagar Nigam, Kanpur Nagar. It is urged that these documents permitted operation of two slaughtering units and that, before preventing the petitioner from carrying on the activity, the authorities

ought to have afforded him a hearing and a reasonable period for modernisation. Allegations of police harassment have also been made.

5. Learned Standing Counsel, on the basis of the State's written response, submits that the petitioner was afforded a personal hearing on 16.05.2025. The District Magistrate also considered reports dated 14.05.2025 and 15.05.2025. According to the State, the document dated 29.06.2024 is a registration certificate and not the regular licence required for the scale of slaughtering proposed by the petitioner. The online application for a new State licence, bearing reference No. 20250301107050316 and dated 19.03.2025, disclosed a proposed capacity of twenty large animals and was returned by the competent authority on 27.04.2025 for removal of deficiencies. Thus, on the date of the impugned order, no regular licence had been granted. Reliance is also placed on Clause IV of Government Order No. 3710/9-8-2017-ES/12-EC dated 07.07.2017 concerning assessment by the local authority and approval of a detailed project report having regard to the proposed slaughtering capacity.

6. The question is whether the registration certificate and the ancillary documents relied upon by the petitioner establish a subsisting right to operate the slaughter house at the proposed capacity, so as to warrant interference with the order dated 22.05.2025.

7. Section 31(1) of the Food Safety and Standards Act, 2006 prohibits commencement or carrying on of a food business except under a licence. Section 31(2) carves out an exception for, inter alia, a petty food manufacturer, who is nevertheless required to register. The two forms of statutory authorisation are therefore distinct. Regulation 1.2.1(4) of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 treats a slaughtering activity as a petty food business only where its capacity is two large animals, ten small animals or fifty poultry birds per day or less. Subject to that exception, Regulation 2.1.2 requires a valid licence.

8. The registration certificate dated 29.06.2024 was insufficient for the scale at which the petitioner proposed to operate the slaughter house. It is a registration under Section 31(2), whereas the petitioner's State-licence application records a proposed capacity of twenty large animals. That capacity is beyond the limit prescribed for a petty food business. A regular licence under Section 31(1) of the Act read with Regulation 2.1.2 of the Regulations, 2011 was, therefore, required.

9. The State-licence application did not result in the grant of a licence.

The State's response records that it was returned on 27.04.2025 for removal of deficiencies. Its acknowledgement proves only the submission of an application and does not authorise the activity for which the licence was sought. The GST and Udyam registrations, laboratory reports and municipal No Objection Certificate are ancillary documents and do not replace the licence required under the Act and the Regulations.

10. The impugned order rejects the request for reopening because the regular licence and the other permissions required for the proposed activity had not been obtained. It does not cancel a subsisting regular licence. The petitioner's request for time to modernise the unit or rectify defects in an existing licence does not, therefore, arise at this stage.

11. The right under Article 19(1)(g) of the Constitution does not dispense with a valid licensing requirement imposed in the interest of food safety and public health. In the absence of the required licence, no direction permitting the petitioner to reopen and operate the slaughter house can be issued.

12. The requirement of a licence is substantive. In *Laxmi Narain Modi Vs. Union of India and others*, Writ Petition (Civil) No. 309 of 2003, the Supreme Court directed on 06.03.2014 that unauthorised or unlicensed slaughter houses be closed and be permitted to function only after obtaining the necessary licence and complying with the applicable Rules and Regulations. Those directions were issued to secure enforcement of the Prevention of Cruelty to Animals Act, 1960, the Prevention of Cruelty to Animals (Slaughter House) Rules, 2001 and the environmental norms governing slaughter houses. The petitioner's registration certificate, therefore, cannot substitute for the regular licence and the other statutory approvals required for operating the slaughter house at the proposed capacity.

13. Insofar as the allegations and complaints against police personnel are concerned, no relief based on them has been sought in this petition. They are not required to be adjudicated for deciding the challenge to the order dated 22.05.2025. No finding is being returned on those allegations.

14. The writ petition is accordingly dismissed. However, it shall remain open to the petitioner to remove the deficiencies and pursue the State-licence application or submit a fresh application, as may be permissible in law, with the prescribed documents and approvals. Any such application shall be considered by the competent authority on its own merits and in accordance with law.

15. No order as to costs.

September 2, 2026
Lbm/-

(Garima Prashad,J.) (Ajit Kumar,J.)