

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2023

In

R/WRIT PETITION (PIL) NO. 133 of 2021

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 2 of 2023

In

R/WRIT PETITION (PIL) NO. 133 of 2021

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 3 of 2023

In

R/WRIT PETITION (PIL) NO. 133 of 2021

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 4 of 2023

In

R/WRIT PETITION (PIL) NO. 133 of 2021

With

CIVIL APPLICATION (FOR JOINING PARTY) NO. 5 of 2023

In

R/WRIT PETITION (PIL) NO. 133 of 2021

=====

HAJI MOHAMMAD IQBAL QURESHI NOOR MOHAMMAD BELIM

Versus

DHARMENDRABHAI PRAVINBHAI FOFANI

=====

Appearance:

MR EJAZ M QURESHI(5401) for the PETITIONER(s) No.
for the RESPONDENT(s) No.

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE MS. JUSTICE SONIA
GOKANI**

and

HONOURABLE MR. JUSTICE SANDEEP N. BHATT

Date : 16/02/2023

COMMON IA ORDER

**(PER : HONOURABLE THE CHIEF JUSTICE MS. JUSTICE SONIA
GOKANI)**

1. All the applicants are proposed respondents who have preferred these applications.

2. The facts are drawn from the few of 2023 for the purpose of deciding these applications.

3. The applicants herein are in the businesses of poultry chicken meat shops for more than 35 years. They have their shops within the limit of Surat Municipal Corporation ('SMC' for short). All the applicants have the licences issued by the Market and Health Department and it is issued and renewed every year by the Health Officer of the Surat Mahanagar Palika (SMC). Though the applicants have legal and valid licences, the action of respondent authorities directly allegedly infringe the fundamental rights of the applicants. It is alleged that the SMC has sealed the shops despite the applicants having valid licences and during the sealing process, no valid show cause notice has been issued by the SMC. It is submitted that in catena of judgments, Hon'ble Apex Court has held that the right to eat any food is part of right to life and personal liberty under Article 21 of the Constitution of India. It is further submitted that large number of shopkeepers, who are in the business of chicken meat shops are almost destroyed. It is submitted that not only that due to this sudden sealing process, without proper verification of licences of shopkeepers, huge loss is

caused to the entire poultry industry and severe financial loss is suffered and, therefore, they have collectively approached this Court with a prayer to allow these applications by ordering joining the proposed applicants as party respondents.

4. Except Civil Application No.2 of 2023 where the request has been made to reopen the seal of two shops who have valid and legal licences, the request in rest of the applications is only limited to join proposed applicants as party respondents.

5. We have heard extensively Mr. Asim Pandya, learned Senior Advocate assisted by learned advocate Mr. M.B. Rana, in Civil Application No.3 of 2023, Mr. Percy Kavina, learned Senior Advocate assisted by learned advocate Mr. Ezaz Qureshi in Civil Application No.1 of 2023 and Civil Application No.2 of 2023, Mr.M.T.M. Hakim, learned advocate assisted by Mr. Rizvan Shaikh in Civil Application No.4 of 2023 and Civil Application No.5 of 2023 for the applicants and Ms. Manisha Lavkumar Shah, learned Government Pleader assisted by Ms. Shruti Pathak, learned Assistant Government Pleader for the respondent State.

6. Since there is no resistance to the applicants to be impleaded as party respondents without detailing and elaborating

the canvas of arguments before this Court, the applicants are being joined as party respondents. Let the formality be carried out within three days.

7. All the proposed applicants would be now impleaded as party respondents. Learned advocates representing the proposed applicants require papers. They may make a request to the Registry which shall furnish on following procedures.

8. Mr. Percy Kavina, learned Senior Advocate representing the applicants in Civil Application No. 2 of 2023 is also prayed for reopening of the seal of the for those who have valid and legal licences and at this stage, since he does not press this application with a liberty to move such an application with the same prayer if need so arises in future, all the applications are accordingly disposed of.

(SONIA GOKANI,CJ)

(SANDEEP N. BHATT,J)

Bharat