

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

CJ Court

Case: **WP(C) PIL No. 18 of 2020**
(Through Video Conferencing)

SAVE ...Petitioner(s)/Appellant(s)

Through: Sh. S. S. Ahmed, Advocate.

v/s

The Union of India and others. Respondent(s)

Through: Sh. D. C. Raina, Advocate General
with Sh. KDS Kotwal, Dy. AG.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

1. Heard Sh. S. S. Ahmed, learned counsel for the petitioner and Sh. D.C. Raina, learned Advocate General for the Union Territory of Jammu and Kashmir.

2. The petitioner is an NGO working for the wildlife protection. It has initiated this petition under Article 226 of the Constitution of India in public interest for commanding the respondents to enact a law prohibiting slaughter of cows and its progeny, ox, bull, buffalo etc in the Union Territory of Jammu and Kashmir and to make such an act of slaughtering of these animals a cognisable offence with strict punishment.

3. It is settled law that no writ of mandamus would lie for issuing direction for enacting a particular law. It is for the law makers i.e. the legislature of the Union Territory of Jammu and Kashmir to enact a law on a given subject. The said task cannot be given to any of the respondents. At

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present the legislature of the Union Territory is not in place. Therefore, at the moment no such law can be considered for being enacted.

4. The court cannot take upon the task of enacting the law itself or to issue any direction in this regard to any other authority as the same is only within the domain of the legislature of the Union Territory.

5. Sh. Ahmed relying upon the judgment of the Supreme Court in Miscellaneous Application No. 2560/2018 [in Writ Petition (Civil) No. 738 of 2016] titled Dr. Ashwani Kumar v. Union of India and another, passed on 05.09.2019 submits that if there is any vacuum in law, the courts can certainly intervene and issue necessary directions.

6. Enacting of law to prohibit the slaughter of cows and its progeny is a new subject and can not be due to any vacuum in law. It is a fresh demand of certain section of the people or the wildlife lovers to have such a law on the subject with the repeal of RPC. It is for the law makers to consider and to take a call on it.

7. Sh. D. C. Raina, learned Advocate General on the other hand submits that the grievance of the petitioner can be taken care of by the Chief Secretary and as and when the legislature comes into existence, the matter can be brought to its notice for due consideration.

8. In view of the aforesaid facts and circumstances, we do not deem it necessary to keep this petition pending and dispose of the same with liberty to the petitioner to raise his grievance before the Chief Secretary by submitting a comprehensive representation in that regard who on consideration of the same will do the needful as observed above.

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9. Petition is disposed of accordingly along with all pending miscellaneous applications.

(RAJNESH OSWAL)
JUDGE

(PANKAJ MITHAL)
CHIEF JUSTICE

Jammu
05.02.2021
Raj Kumar



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