

**Court No. - 3**

**Case :-** WRIT - C No. - 5534 of 2023

**Petitioner :-** Mohd. Shakeel

**Respondent :-** State Of U.P. Thru. Prin. Secy. Food And Supply  
Civil Sectr. U.P. Lko. And Others

**Counsel for Petitioner :-** Shiv Shankar Mishra

**Counsel for Respondent :-** C.S.C.

**Hon'ble Vivek Chaudhary,J.**

**Hon'ble Manish Kumar,J.**

1. Heard learned counsel for petitioner and learned Standing Counsel for the State.

2. Petitioner has approached this Court challenging the order dated 28/29.3.2023 passed by respondent no.3 whereby application for grant of 'no objection certificate' in favour of petitioner to open a retail meat shop is rejected on the ground that favourable report is not given by the police.

3. The Police report states that petitioner's meat shop is in mixed population and the same is at a distance of 50 meters from a mosque and 150 meters from a temple and there is likelihood of disturbance of public tranquility and there is probability of unauthorized sale of meat also.

4. So far as the ground of rejection with regard to unauthorized sale of meat is concerned, the same is absolutely presumptive in nature and cannot be a ground to refuse 'no objection certificate' to the petitioner. If unauthorized sale of meat is found, the authority granting licence/'no objection certificate' is always able to take action as per law.

5. So far as the ground taken that petitioner's meat shop is at a distance of 50 meters from mosque and 150 meters from temple is concerned, learned counsel for petitioner submits that there are three more shops, who have been given 'no objection certificate' in the very same area. The said fact is admitted in Para-7 of the counter affidavit that three other meat shops exist in that area. It is stated that there is no religious place in the radius of 50 meters from the aforesaid three shops.

6. Distance of mosque from the present meat shop is 50 meters and temple is at a distance of 150 meters. Thus, there is no religious place in the radius of 50 meters from the present shop. Therefore, there is no reason to refuse 'no objection certificate'

to the petitioner.

7. In the given facts and circumstances of the case, it is directed that respondent no.3-Superintendent of Police, Ambedkar Nagar, shall reconsider the matter and pass a fresh order within a period of four weeks from the date a certified copy of this order is placed before him and thereafter accordingly, the licencing authority shall consider the matter with regard to grant of licence to the petitioner in accordance with law.

8. Writ petition stands *allowed*.

**[Manish Kumar,J.] [Vivek Chaudhary,J.]**

**Order Date :- 29.8.2023**

Sachin