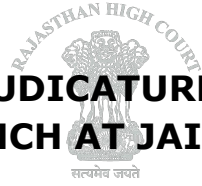




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 4957/2025

Aayush Naranja S/o Malchand, aged about 24 Years, R/o 12 Khatikon Ka Mohalla, Pratap Nagar, Sanganer, Jaipur, Proprietor M/s Bharat Meat Shop, Shop No.3, Village Sukhpuriya, India Gate, Sanganer, Jaipur.

-----Petitioner

Versus

1. State of Rajasthan, Through Principle Secretary Urban Department Housing, Food Building, Secretariat, Jaipur-302005 (Rajasthan).
2. The District Collector and District Magistrate Jaipur, Collectorate Jaipur.
3. Commissioner, Nagar Nigam Greater, , Jaipur.
4. Deputy Commissioner, Pashu Prabandhan, Nagar Nigam Greater, Jaipur.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 4983/2025

Mohammad Ashraf Qureshi S/o Abdul Rashid, aged about 24 Years, Proprietor M/s Mohammad Meat Shop, R/o Shop No. 6, Village Sukhpuriya, India Gate, Sanganer, Jaipur.

-----Petitioner

Versus

1. State of Rajasthan, through Principal Secretary Urban Department and Housing, Food Building, Secretariat, Jaipur 302005 (Rajasthan)
2. The District Collector and District Magistrate, Jaipur, Collectorate Jaipur.
3. Commissioner, Nagar Nigam Greater, Jaipur.
4. Deputy Commissioner, Pashu Prabandhan, Nagar Nigam Greater, Jaipur.

-----Respondents

S.B. Civil Writ Petition No. 4984/2025

Mohammad Wasim S/o Mohammad Idrish, Aged About 40 Years, Proprietor M/s M Z Chicken Suppliers, R/o Shop No. 4, Village





Sukhpuriya, India Gate, Sanganer, Jaipur.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Urban Department And Housing, Food Building, Secretariat, Jaipur 302005 (Rajasthan)
2. The District Collector and District Magistrate, Jaipur, Collectorate Jaipur.
3. Commissioner, Nagar Nigam Greater, Jaipur.
4. Deputy Commissioner, Pashu Prabandhan, Nagar Nigam Greater, Jaipur.

-----Respondents



For Petitioner(s)	:	Ms. Aradhana Swami Ms. Dhriti Sharma
For Respondent(s)	:	Mr. G.S. Gill-AAG with Mr. S.P.S. Rajawat-Asstt.G.C. Mr. Manoj Kumar

JUSTICE ANOOP KUMAR DHAND

Order

01/09/2025

Reportable

1. "Whether a license to run a meat shop can be granted within the radius of 50 meters of a place of worship?" This question is required to be decided in these petitions.
2. Since, common questions of fact and law arise in all the three petitions, hence, with the consent of counsel for the parties, the matters are taken up for final disposal and are accordingly being decided by this common order.
3. For the sake of convenience, the prayer mentioned in SB Civil Writ Petition No. 4983/2025 has been taken into consideration:-



“(a) By an appropriate writ, order or direction, the Show Cause Notice dated 01.10.2024 along with the order dated 23.10.2024 (Annexure-5) passed by Nagar Nigam (Greater) Jaipur whereby the license of the petitioner has been cancelled, be quashed and set aside.

b) By writ, order or direction, the respondent be directed to permit the petitioner to carry on his business, uninterruptedly.

c) By writ, order or direction, the order dated 11.03.2025 passed by the District Collector, Jaipur (Annexure-15) be quashed and set aside.

d) Any other appropriate writ, order or direction, which this Hon’ble Court considers just and proper in the facts and circumstances of this case, may kindly be passed in favour of the petitioner.”



4. By way of filing these writ petitions, the petitioners have challenged the impugned order dated 11.03.2025 passed by the District Collector, Jaipur whereby the appeal, preferred by the petitioner under Section 269(4) of the Rajasthan Municipalities Act, 2009 (for short, ‘the Act of 2009’), against the impugned order dated 17.02.2025 has been rejected.

5. By the impugned order dated 17.02.2025, the license of the petitioners to run a meat shop has been cancelled.

6. Learned counsel for the petitioners submits that the petitioners were granted licenses to run the meat shop. However, all of a sudden, a show cause notice dated 01.10.2024 was issued to them for cancellation of their licenses and subsequently, by the impugned order dated 17.02.2025, the licenses of the petitioners were cancelled giving in reference to certain Standard of Procedure (for short, ‘the SoP’). Counsel further submits that the SoP dated 22.03.2021 does not carry any statutory force, and in any case, the same cannot be issued contrary to the provisions of the Act of 2009. Counsel submits that the sole reason given for cancellation of the licenses is that the petitioners’ shops are



situated within 50 meters radius of a temple. Counsel submits that the alleged temple is merely a personal temple of certain shopkeepers and it is not a public temple registered with the Devasthan Department. Counsel further submits that in these circumstances, cancellation of the petitioners' licences is wholly unwarranted and these facts have been overlooked by the Deputy Commissioner as well as the District Collector while passing the orders impugned. Hence, under these circumstances, interference of this Court is warranted.

In support of her contentions, learned counsel for the petitioner has placed reliance upon the order passed by this Court while deciding **S.B. Civil Writ Petition No.8274/2025** titled as **Nadeem Ansari & Ors. Vs. The State of Rajasthan & Ors** on 30.05.2025.

7. *Per contra*, learned counsel for the respondents opposes the submissions made by counsel for the petitioners and submits that the SoP has been issued in pursuance of the provisions contained under Section 269 read with Section 340 of the Act of 2009 and as per Clause-4 of the said SoP, no license can be granted for running a meat shop if it is situated within a radius of 50 meters of a public temple or school. Counsel submits that the temple in question is situated in front of the shops and the said 'Temple' cannot be treated as a personal temple, as it is not situated inside and within a house but rather it is situated in an open area of the market where other shops also exist and it is being regularly used by the public for the purpose of worship. Hence, under these circumstances, the Authorities below have not committed any





illegality and error in passing the order impugned, which warrants any interference of this Court.

8. Heard and considered the submissions made at the Bar and perused the material available on the record.

9. Perusal of the record reveals that licenses were granted to the petitioners to run meat shops and all of sudden a show-cause notice dated 01.10.2024 was issued to the petitioners calling upon them to explain as to why their licenses should not be cancelled. After hearing the submissions of the petitioners, the Deputy Commissioner vide order dated 17.02.2025 took a decision to cancel the licenses of the petitioners precisely for the reasons that a meat shop cannot be allowed to run contrary to the provisions contained under the SoP and reliance was placed upon Clause-4 of the SoP which prohibits grant of license to a meat shop where a public temple is situated within the 50 meters radius thereof.

10. This fact has been appreciated by the District Collector, while rejecting the appeal, submitted by the petitioner by recording a cogent and reasoned finding.

11. During the course of arguments, counsel for the petitioner referred to certain information, obtained under the Right to Information Act, 2005 (for short "RTI Act") and relied upon the same to contest the version of the respondents that the temple in question is not a private temple, hence, the license to run a meat shop can be granted to the petitioners.

12. This Court finds no substance in the arguments raised by counsel for the petitioner that as per the information received under the RTI Act, the authorities concerned have expressed their view supporting the grant of license in favour of the petitioners, as





the aforesaid information, provided to the petitioners, runs contrary to Clause-4 of the SoP dated 22.03.2021.

13. By the impugned order, the respondents have cancelled the licenses of the petitioners to run meat shops on the ground that a public temple is situated within 50 meters of radius from the said shops.

14. According to Clause-4 of the SoP issued by the respondents, meat shops are not permitted to operate within a radius of 50 meters from any religious place, including public temples or educational institutions such as schools, etc. The said regulation aims to maintain harmony and respect towards places of worship and educational institutions like schools. In case of violation of this provision, the authorities are empowered to cancel the license of the concerned shop.

15. Even otherwise, as per Regulation 2.1.2(1)(5) under Chapter 2 read with Schedule-4 under Part IV of the Food Safety and Standards (Licensing and Registration of Food Businesses), Regulations 2011, the minimum distance between the licensed meat shop and any place of worship should not be less than 50 meters.

16. This Court finds no substance in the arguments of the counsel for the petitioner that the temple situated within 50 meters radius of the petitioners' meat shops is not a public temple. Temple is a place of worship dedicated to a specific deity or deities, where individuals or groups perform their religious activities, prayers or ceremonies. Temple means a place, by whatever designation known, used for public religious worship where anyone can worship and the same is accessible to the





public at large. Thus, every temple is a public property unless proved otherwise.

17. If a temple is situated in an open area and is accessible to the public, it will be construed as a public temple. Public temples are considered to be dedicated to the public at large or a section thereof for worship.

18. In the instant case, the temple in question is situated in an open area of a market and the same is accessible to the public at large, therefore, by any stretch of imagination it cannot be treated as a private temple of those shopkeepers in front of whose shops this temple is situated.

19. Hence, it is clear that the meat shops of the petitioners are situated within a radius of 50 meters of the temple in question for which legally the license to run meat shops cannot be granted to them and the same has been rightly cancelled by the respondents.

20. In the considered opinion of this Court, the aforesaid SoP was issued by the respondents, in pursuance of the provisions contained under Sections 269 and 340 of the Act of 2009, which clearly provides for grant of license in favour of any person running meat shops, in case, no temple or school is situated within a distance/radius of 50 meters from such shops. Therefore, under these circumstances, interference of this Court is not warranted. Unless and until the validity of Clause-4 of the SoP is challenged by the petitioner and the same is quashed, the petitioners are not entitled to get any relief. These petitions do not contain any merit and substance which warrants any interference of this Court.





20. These writ petitions are found to be devoid of merit and the same are hereby rejected. Stay applications and all pending application(s), if any, also stand dismissed.

21. No order as to costs.



(ANOOP KUMAR DHAND),J

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