

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

TUESDAY, THE 04TH DAY OF AUGUST 2020 / 13TH SRAVANA, 1942

RP.No.506 OF 2020 IN WP(C).11142/2020

AGAINST THE JUDGMENT IN WP(C)11142/2020(S) OF HIGH COURT OF KERALA

DATED 16.6.2020

REVIEW PETITIONER/PETITIONER:

- 1 MURALEEDHARAN T., AGED 51 YEARS
S/O.T. NARAYANAN, USHUS, PARAYANCHERY,
KUTHIRAVATTOM P.O., KOZHIKODE-673 016.
- 2 VIMAL C.V., AGED 35 YEARS
S/O.SOMAN C.V., VALIYAVALLAPPIL HOUSE,
THONDAYAD, NELLIKODE P.O., KOZHIKODE-673 008.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, SECRETARIAT,
CENTRAL STADIUM, MAHATHMA GANDHI ROAD,
PALAYAM, THIRUVANANTHAPURAM P.O., KERALA-695 001.
- 2 UNION OF INDIA,
REP. BY SECRETARY, MINISTRY OF LAW AND JUSTICE,
4TH FLOOR, A-WING, SHASTRI BHAWAN,
NEW DELHI P.O., DELHI-110 001.
- 3 ANIMAL WELFARE BOARD,
REPRESENTED BY SECRETARY, VILLAGE-SEEKRI,
BALLABHARH, FARIDABAD P.O., HARYANA-121 004.

GOVERNMENT PLEADER SRI.SURIN GEORGE IPE
SRI.P.VIJAYAKUMAR, ASG

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 04.08.2020, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER

Dated this the 4th day of August 2020

S.MANIKUMAR, C.J.

By judgment in W.P.(C)No.11142 of 2020 dated 16.6.2020, this Court upheld the constitutional validity of Kerala Animals and Birds Sacrifices Prohibition Act, 1968. Instant review petition is filed seeking review of the said judgment dated 16.6.2020 on the following grounds:

A. It is submitted that Article 14 of the Constitution of India was not considered while the vires and constitutionality of Ext.P1 enactment was considered by this Hon'ble court on the wrong premise that the petitioners' counsel did not press that contention, whereas extensive submissions were made regarding the inequality to Hindus alone in the above essential religious practice as of animals/birds sacrifice for worship, when the same set of practices are done by other religious practitioners. The question of inequality thrust on Hindu worshipers alone in practicing the essential religious practice of sacrifice as enshrined in tantric texts as per Ext.P4 and P5 had been overlooked by this Hon'ble Court which needs a fresh consideration by this Hon'ble Court.

B. It is submitted that the amendment petition filed by the petitioner with details of tantric texts and extracts there from which could aptly show that animals/birds sacrifice are essential Hindu religious practice had been overlooked by this Hon'ble Court in the impugned judgment. It is submitted that without the practice as of sacrifice of

animals and birds, before consumption of the meat, to the deity, the essential religious practice for a Hindu following tantric texts and even for that matter following Vedic texts as well is being wrongly interfered with as per Ext.P1 enactment. The essential pleadings and submissions in this regard are not considered in the judgment.

C. It is submitted that the discrimination to the petitioners as they are Hindu in practicing their essential religious practice as per tantric texts was not considered in the judgment.

2. Attention of this Court has been drawn to an order passed by the Hon'ble Supreme Court in S.L.P.(Civil) Diary No.14082/2020 dated 22.7.2020. The said SLP has been filed challenging the judgment dated 16.6.2020 in W.P.(C)No.11142/2020 passed by the High Court of Kerala. The order passed by the Hon'ble Supreme Court reads as under:

“SPECIAL LEAVE PETITION (CIVIL) DIARY NO.14082/2020

(Arising out of impugned final judgment and order dated 16.6.2020 in W.P.(C)No.11142/2020 passed by the High Court of Kerala at Ernakulam)

KULACHARA SAMRAKSHANA SAMITHI

Petitioner(s)

VERSUS

THE STATE OF KERALA & ORS.

Respondent(s)

(Date: 22-7-2020 This petition was called on for hearing today.)

Upon hearing the counsel the court made the following:

O R D E R

Permission to file the special leave petition is granted.
Issue notice.

Tag the SLP(C) Diary No.13425/2020.”

3. The main ground urged by the review petitioners is that Article 14 of the Constitution of India was not considered while the vires and constitutionality of Exhibit-P1 enactment was considered by this court. At this stage, it is to be noted that in the SLP filed before the Hon'ble Apex Court, challenging the judgment dated 16.6.2020 in W.P.(C)No.11142/2020, notice was issued to the parties. Learned counsel for the review petitioners fairly submitted that in the special leave petition, grounds on equality under Article 14 of the Constitution of India have been raised.

4. That apart, during the course of hearing of W.P.(C) No.11142 of 2020, we have recorded the submission of the learned counsel for the writ petitioners that he is not pressing the grounds on Article 14 of the Constitution. Mr. K. Ramakumar, learned Senior Counsel appearing for the impleading petitioners in I.A. No.1 of 2020 in W.P.(C) No.11142 of 2020, also submitted that learned counsel for the petitioners in W.P. (C) No.11142 of 2020 had not made any submission on Article 14 of the Constitution of India. Therefore, it would not be desirable for us to delve into the matter at this stage.

In view of the above, we are not inclined to accept the prayer sought for by the review petitioners in this review petition. Review petition is dismissed.

Pending interlocutory applications, if any, shall stand closed.

SD/-
S.MANIKUMAR
CHIEF JUSTICE

SD/-
SHAJI P. CHALY
JUDGE

jes

APPENDIX

PETITIONER'S EXHIBITS:

ANNEXURE A1 AFFIDAVIT OF THE COUNSEL FOR THE PETITIONERS DATED
23/06/2020.