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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CONT.CAS(C) 434/2022 & CM APPL. 22905/2022

SUNAYANA SIBAL & ANR. Petitioner

Through: Mr. Vivek Sibal, Senior Advocate and
Ms. Esha Dutta, Advocate with
Petitioner No.1 in person.

versus

DR. RAVINDRA SHARMA & ANR. Respondent

Through: Mr. Divyam Nandrajog, Panel
Counsel, GNCTD with Mr. Mayank
Kamra, Advocate with SI Manish,
P.S.: Kotla Mubarakpur.
Mr. Kapil Dutta, Advocate for MCD.

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+ CONT.CAS(C) 868/2022

SUNAYANA SIBAL Petitioner

Through: Mr. Vivek Sibal, Senior Advocate and
Ms. Esha Dutta, Advocate with
Petitioner No.1 in person.

versus

SHRI GYANESH BHARTI Respondent

Through: Mr. Kapil Dutta, Advocate for MCD.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **25.04.2023**

1. The status report filed by the Respondent, Municipal Corporation of Delhi ('MCD') dated 20.04.2023 is on record.
2. The learned senior counsel for the Petitioner has handed over an



additional affidavit of the Petitioner dated 24.04.2023 annexing therewith photographs taken on 17.04.2023.

2.1 The learned senior counsel for the Petitioner states that as is evident from the photographs taken on 17.04.2023, the persons operating unauthorised dairies located in *Kotla Mubarakpur* are continuing with the business undeterred. He states that cattle are being kept by the said persons in drains where sewage is flowing. He states that in addition to the illegalities it is also cruelty to the said animals.

3. The learned counsel for the Respondent, MCD states that there is a separate Coordination Committee constituted for the Central zone and the South zone wherein the concerned Deputy Commissioner, MCD and the concerned Deputy Commissioner of Police both are members of the said Committee.

4. He states that an appropriate direction can be issued by this Court that upon receiving a complaint from any citizen including the Petitioners herein pointing out to the existence of an illegal dairy, whether in the Central zone or the South zone, the concerned Coordination Committee will take immediate steps within 48 hours for inspecting the site and rescuing the cattle. The said statement is taken on record and it ordered accordingly. The Petitioner is at liberty to file a formal compliant addressed directly to the concerned Deputy Commissioner, MCD and the concerned Deputy Commissioner of Police.

5. Learned senior counsel for the Petitioner states that a perusal of the record of this petition shows that parties have been running in a vicious cycle where the Respondent, MCD takes steps for removal/rescue of cattle being used in illegal dairies, however, after few days, the said cattle find its



place at the same location (i.e., dairy). He states that the Petitioners have a suggestion and would like to propose/present a standing operating procedure (SOP) to the Coordination Committee for ensuring the effective compliance of the directions issued by this Court in the judgment dated 04.09.2019, which would include enforcement of Section 418 of the Municipal Corporation of Delhi Act, 1957

5.1 To enable the Petitioners to present the SOP, it is directed that in the meeting of the Coordination Committee of Central zone scheduled for 08.05.2023 at 11:00 A.M., the Petitioners herein shall appear and participate in the said meeting to place their suggestions and present the SOP. Similarly, the Petitioners will appear before the Coordination Committee of the South zone on 15.05.2023 at 11:00 A.M. and place their suggestions and present the said SOP.

6. List for reporting the outcome of the said meetings and the steps taken by the Coordination Committee in pursuance thereof.

7. Learned counsel for the Respondent, police assure the Court that upon receipt of the complaint from any citizen including the Petitioner, Deputy Commissioner of Police who is the Nodal Officer in the coordination committee shall assist on the said complaint along with the officials of the MCD.

8. Learned counsel for the Respondent, MCD states that the Respondent has already taken action in this area on 21.04.2023 and 24.04.2023 and removed/rescued the cattle and sent them to the *gaushala* which is under the aegis of GNCTD. He states that he is unable to explain the circumstances in which the said cattle are returned to the owners by the *gaushala*.

9. In the facts of this case, it is also deemed necessary to have the



Animal Husbandry Unit, Urban Development Dept, Government of National Capital Territory of Delhi ('GNCTD') as a party to these proceedings, in view of the fact that the *gaushala* in which the cattle is handed over by MCD is being regulated by the GNCTD. The GNCTD is impleaded as Respondent No.4. Mr. Divyam Nandrajog, learned counsel, accepts notice on behalf the newly impleaded Respondent No.4.

10. He is directed to file a status report on behalf of Respondent No. 4 to explain the steps taken with respect to the rescued cattle admitted by MCD at the *gaushala*.

11. List on 16.08.2023.

APRIL 25, 2023/msh/sk

MANMEET PRITAM SINGH ARORA, J

[Click here to check corrigendum, if any](#)