



CWP-14964-2026 (O&M)

2026:PHHC:076760



132

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-14964-2026 (O&M)
Date of Decision: 14.05.2026**

Hemant Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Pankaj Yadav, Advocate
for the petitioner (through video conferencing).

Ms. Upasana Dhawan, AAG, Haryana, assisted by
Mr. Amit, A.D.A., Municipal Corporation, Gurugram.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, seeking a writ in the nature of Certiorari for setting aside the order dated 14.02.2025 (Annexure P-6) passed by the learned Additional Commissioner, Municipal Corporation, Gurugram.

2. Briefly, the petitioner herein submitted a representation dated 21.06.2024 (Annexure P-2) before the learned Commissioner, Municipal Corporation, Gurugram, raising grievances regarding illegal dumping of garbage and the menace of stray cattle on Dr. Jai Dayal Soota Marg, New Colony, Gurugram. However, as no action was taken on the said representation by the municipal authorities, the petitioner approached this



Court by way of filing a writ petition bearing CWP No.33068 of 2024, which was disposed of vide order dated 09.12.2024 (Annexure P-3). By virtue of the said order, this Court directed the learned Commissioner, Municipal Corporation, Gurugram, to consider and decide the petitioner's representation dated 21.06.2024 by passing a speaking order, after affording due opportunity of hearing to all concerned parties, within a period of four weeks from the date of passing of the said order (Annexure P-3).

2.1 It transpires that thereafter, the petitioner filed a contempt petition bearing COCP No.644 of 2025 before this Court, and during the pendency of the said contempt proceedings, the learned Commissioner, Municipal Corporation, Gurugram, passed a speaking order dated 14.02.2025 (Annexure P-6). Relevant extract thereof reads as under:-

“ In view of above, Sr. Sanitary Inspector, Zone-I, MCG has been directed to maintain proper cleanliness and hygiene in the area and also to ensure that there may not be any dumping/assembling/sorting of garbage at Dr. Jai Dayal Soota Marg, New Colony, Gurugram and all the dumping/sorting/storing machinery including tractor trolley, hand carts, rickshaw and other related items be removed from the site with immediate effect. He is also directed to personally monitor the required manpower and vehicles deployed alongwith the Petitioner. Satisfaction Certificate from petitioner shall be taken before processing payments of concerned contractors. If lack in performance is found penalty shall be levied as per contract conditions.

Alongwith that Sr. Sanitary Inspector, Zone-I, MCG has been directed to do survey of the area and ensure that all the Bulk waster generators in the area must be enrolled with MCG, so that further action against the Bulk Waste Generators be taken as per rules.



Chief Medical Officer, MCG has also been directed to conduct special drives in the area for catching of stray cattle. But dairy owners request to release their cattle, which they do after giving warning to them in this regard, the undersigned had directed that the cattle be released after only taking notary attested declaration from the owner that he will not keep his cattle in open in future and will follow rules. Chief Medical Officer, MCG is also directed to supply all the relevant information/documentation/policies as requested by petitioner/applicant in his representation and satisfaction certificate from petitioner before processing payment shall also be taken. It is also submitted that action against the stray cattle have been taken by the MCG team from time to time and the cattle have been shifted to gaushalas which is being operated and managed by Municipal Corporation, Gurugram.

After considering all the facts and details of the matter and in compliance of the directions of Hon'ble Punjab and Haryana High Court, Chandigarh, SSI, MCG is directed to ensure proper cleanliness drive on all the major roads, market area in the area of the petitioner in Zone-I, and garbage be lifted from all designated points timely and in proper way on daily basis. SSI, Zone-I, MCG is also directed to initiate special cleanliness/sanitation drive in the area. All the officers/officials are further directed to continuously clean the said area and ensure lifting of garbage on daily basis. Continuous drive for catching of stray cattle shall be done by Chief Medical Officer, MCG and his team and timely report may also be submitted to the undersigned.

Sr. Sanitary Inspector, Zone-1, MCG & Chief Medical Officer, Municipal Corporation, Gurugram are also directed to take action against the violators as per law."

2.2 In the contempt proceedings initiated by the petitioner by way of filing COCP No.644 of 2025, the matter was considered by this Court and



the said contempt petition came to be disposed of vide order dated 27.11.2025 (Annexure P-10). Relevant extract of the said order reads as under:-

- “3. Concededly, pursuant thereto, an opportunity of hearing was given to the petitioner and a speaking order dated 14.02.2025 (Annexure R-1) was passed vide which the Senior Sanitary Inspector, Zone-1, Municipal Corporation, Gurgugram was directed to ensure proper cleanliness drive on all the major roads, market area and it was directed that the garbage be lifted from all designated points timely and in a proper way on daily basis. The Senior Sanitary Inspector, Zone-1, MCG was also directed to initiate special cleanliness/sanitation drives in the area and all the officers/officials were further directed to continuously clean the said area and ensure lifting of garbage on a daily basis. It was further directed that a continuous drive for catching of stray cattle be carried out by the Chief Medical Officer, MCG.*
- 4. Learned counsel for the petitioner submits that the pit in which the garbage was being dumped, has been closed but the garbage is still being thrown in front of the house of the petitioner and the same is not being regularly lifted nor the area is being cleaned on a regular basis.*
- 5. Learned counsel for the respondent, on the other hand, submits that though the garbage is being lifted and the area is being cleaned as per the directions contained in the order dated 14.02.2025 (Annexure R-1), the authorities shall ensure that the same is done on a regular basis.*
- 6. Since, in compliance with the orders passed by the Coordinate Bench, a speaking order was passed and the garbage pit in front of the house of the petitioner stands closed, this Court is of the opinion that no further orders are required to be passed in the instant contempt petition. However, if the petitioner is still aggrieved, he may, if so*



CWP-14964-2026 (O&M)

advised, avail all such remedies as shall be admissible in law for the redressal of his grievances.

7. In view of the aforementioned facts and circumstances, the instant contempt petition is disposed of.”

2.3 Still dissatisfied, the petitioner approached the Hon’ble Supreme Court by way of filing SLP (C) No.7557 of 2026, which came to be dismissed vide order dated 27.02.2026 (Annexure P-11), however, with a liberty to the petitioner to avail appropriate remedy in a manner known to law. Thereafter, the petitioner is stated to have submitted a representation dated 09.03.2026 by way of an e-mail of even date (Annexure P-12). The relevant extract of the said representation reads thus:-

“It is to bring to your notice the continuing menace of stray cattle and on public streets including at New Colony, Gurgaon 122001, falling under the jurisdiction of the Municipal Corporation, Gurugram. The presence of stray cattle on roads and public places has resulted in obstruction of public movement, traffic hazards, sanitation problems and serious risk to the safety and health of residents.

*It is respectfully submitted that the Hon’ble **Punjab and Haryana High Court** in Jatinder Jain vs. State of Haryana observed that the menace of stray cattle on urban roads leads to injuries and accidents and directed the State and municipal authorities to ensure effective removal of stray cattle from public roads and relocation to gaushalas so as to safeguard public safety.*

*Further, the **Haryana Human Rights Commission**, under the Chairmanship of Justice Lalit Batra, has held that tying cattle on public streets leads to accumulation of filth, blockage of sewerage systems and obstruction to free movement of residents, thereby violating the **Right to Life under Article 21 of the Constitution of India**, which includes the right to live*



with dignity, clean environment and safe surroundings.

The Commission further observed that failure of civic authorities to maintain hygienic and accessible public spaces amounts to administrative negligence and infringement of the fundamental rights of citizens.

Despite the above judicial observations and constitutional mandate, stray cattle continue to roam freely in several residential sectors, markets and internal roads of Gurugram, creating unsafe and unhygienic living conditions.

In view of the above, you are hereby called upon to:

- 1. Immediately remove stray cattle from public streets and residential areas within the jurisdiction of MCG.*
- 2. Take strict action against illegal dairies operating in residential area in violation of municipal regulations.*
- 3. Ensure that cattle are relocated to designated gaushalas or cattle shelters.*
- 4. Implement an effective mechanism for preventing recurrence of stray cattle on roads and public spaces.*
- 5. Ensure hygienic conditions and obstruction-free public pathways for residence.*

Kindly treat this notice as a formal representation and take immediate remedial action in compliance with the judicial observations of the Hon'ble Punjab and Haryana High Court and the Haryana Human Rights Commission.

In case appropriate action is not taken within a reasonable time, the undersigned shall be constrained to seek appropriate legal remedies before the competent authorities and courts of law."

2.4 The aforesaid representation/e-mail dated 09.03.2026 (Annexure P-12) was thereafter followed by another e-mail dated 24.04.2026.

3. In the aforementioned circumstances, petitioner has filed the

**CWP-14964-2026 (O&M)**

present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Learned counsel for the petitioner submits that despite passing of the order dated 27.11.2025 (Annexure P-10) by this Court in COCP No.644 of 2025 and the assurance given by the learned State counsel, as recorded in paragraph No.5 of the said order, to the effect that the garbage was being lifted, the area was being cleaned and that the authorities would ensure that the same is done on a regular basis; no effective steps have been taken for removal of the garbage and/or stray cattle from the site in question, i.e. the vicinity of the petitioner's house.

4.1 In support of the aforesaid contention, learned counsel for the petitioner has placed reliance upon two photographs annexed with the instant writ petition at Pages 65 and 66.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.

6. No doubt, the aforesaid photographs do depict presence of 2-3 stray cattle on the road; however, there is no material placed on record to indicate that the area in question is not being cleaned or that garbage is lying accumulated at the site in question. In the absence of any material/evidence on record to *prima facie* show that the assurance given to this Court by the learned State counsel at the time of disposal of COCP No.644 of 2025 vide order dated 27.11.2025 (Annexure P-10) has not been complied with; no indulgence can be granted to the petitioner.

6.1 The aforesaid photographs may indicate one such incident of 2-3 stray cattle having entered the street; however, the same would not

**CWP-14964-2026 (O&M)**

conclusively establish that the municipal authorities are not discharging their duties or that the assurance given to this Court vide order dated 27.11.2025 (Annexure P-10), regarding maintaining cleanliness at the site in question and ensuring that stray cattle are kept away, is not being followed.

7. Keeping in view the above discussion, the present writ petition is dismissed. However, liberty is granted to the petitioner to approach the concerned Municipal Authorities with adequate material/evidence to substantiate the allegation that proper cleanliness is not being maintained at the site in question and/or that the menace of stray cattle continues to persist.

7.1 In the event any such complaint is submitted by the petitioner, duly supported by relevant material/evidence, the concerned Municipal Authorities shall look into the matter forthwith and take appropriate remedial measures, after affording due opportunity of hearing to all concerned parties, in accordance with law.

8. The present writ petition is, accordingly, disposed of in the aforestated terms.

9. All the pending application(s), if any, shall also stand closed.

14.05.2026
Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No