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

% *Date of Decision: 4th September, 2019*

+ W.P.(C) 697/2016

SHAM SHARMA

..... Petitioner

Through: Mr.Anish Gupta, Mr.G.S.Thakur,
Advs.

Versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through: Mr.Sanjoy Ghose, ASC with Ms.Urvi
Mohan, Adv. for GNCTD.

Mr.Giriraj Subramaniam, Adv. with Mr.Rohan
Jain, Adv. for R-3/DDA.

Ms.Mini Pushkarna, Standing Counsel with
Ms.Swagata Bhyuan, Ms.Shiva Pandey,
Ms.Khushboo Nahar, Advs. for North DMC.

Mr.Anil Grover, Standing Counsel with Mr.Tushar
Sannu, ASC, Ms.Noopur Singhal, Adv. for
NDMC.

Mr.Tushar Dahiya, ASC for R-8/EDMC.

+ W.P.(C) 7663/2017

S N BHARDWAJ

..... Petitioner

Through: Ms.K.Gayatri, Adv.

Versus

ANIMAL WELFARE BOARD OF INDIA & ORS..... Respondents

Through: Ms.Manisha T.Karia, Adv. with
Ms.Sukhda Kalra, Mr.Shashank Mangal,
Mr.Aman Irani, Advs. for R-1.

Mr.Reshesh Mani Tripathi, Adv. for UOI.

Mr.Anuj Aggarwal, ASC with Mr.Atul Goel,
Dr.Purshottam Bansal for GNCTD.

Mr.Arjun Pant, Adv. for DDA.

Ms.Monika Arora, Adv. with Mr.Harsh Ahuja,
Mr.Kushal Kumar, Advs. for SDMC.

Ms.Mansi Gupta, Adv. for R-7/North MCD.
Ms.Mini Pushkarna, Standing Counsel with
Ms.Swagata Bhyuan, Ms.Shiva Pandey,
Ms.Khushboo Nahar, Advs. for R-11/DUSIB.

+ W.P.(C) 459/2018 & C.M.No.1990/2018

GAURI MAULEKHI

..... Petitioner

Through: Ms.Ekta Sikri, Adv. with
Mr.K.Gayatri, Ms.Priyanka, Advs.

Versus

DEPARTMENT OF URBAN
DEVELOPMENT & ORS.

..... Respondents

Through: Mr.Sanjoy Ghose, ASC with Ms.Urvi
Mohan, Adv. for GNCTD.

Mr.Nikhil Goel, Standing Counsel with
Mr.Dushyant Sarna, Adv. for SDMC.

Ms.Mini Pushkarna, Standing Counsel with
Ms.Swagata Bhyuan, Ms.Shiva Pandey,
Ms.Khushboo Nahar, Advs. for R-3/North DMC.

Mr.Amit Sinha, Adv. for R-5/EDMC.

Ms.Sakshi Popli, Adv. with Ms.Samreen, Adv. for
DPPC

Mr.Ajay Digpaul, CGSC with Mr.Soumava
Karmakar, Adv. for R-8.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

J U D G M E N T

: **D. N. Patel, Chief Justice (Oral)**

1. Writ Petition (Civil) No.697/2016 has been preferred with the following prayers:-

“a) Issue a Writ of Mandamus or any other appropriate Writ, order, or direction in the nature thereof, directing the Respondents to take all necessary actions to clean and regularly maintain the road, footpath and the sewage line

between DDA Land, the Shivaiaaya Temple at village Rajpur Chhawani and Gurmandi area on one side, C.C. Colony on other side and also the adjoining areas;

b) Issue a writ of Mandamus or any other appropriate Writ, order, or direction in the nature thereof, directing the Respondents to remove illegal dairies operating at affected area including direction to the concerned Authorities to take necessary actions to resolve the issue of regular water clogging in order to prevent the spread of diseases like Dengue, Malaria and other such contagious diseases to the residents in the affected area.

c) Issue a of Mandamus or any other appropriate Writ directing the Respondents urgently to undertake regular fumigation drives, sanitation drives and anti-mosquito breeding drives on the affected area;

d) Direct the Respondents to evaluate the extent of the problem caused due to unhygienic conditions at the affected area and recommend measures required to deal with the problem effectively;

e) Appoint the High Level Court Monitored Co-ordination Committee to ensure effective co-ordination between the Governmental Authorities, for proper implementation of the laws and resolutions in the affected area;

f) Direct the Respondents to take steps with regard to guidelines of World Health organization and also by involving Administrative Authorities to suggest recommendation for various effective measures and also to monitor, check and control the whole situation;”

2. Prayers in the other writ petitions are also more or less to the same effect.

3. Having heard the learned counsel for the parties and looking into the facts of the case, it appears that several grievances have been raised by the petitioners about the illegal dairies which are in operation within the city of Delhi. Learned counsel for the petitioners have taken this Court through various annexures and orders passed by this Court, especially order dated 4th July, 2019, whereby several directions have been issued by this Court. Similarly, learned counsel for the petitioners have also tried to point out to this Court that the respondents have not taken effective steps to close the dairies which are being operated without licenses.

4. Moreover, it has been pointed out that Director, Animal Husbandry Unit, Government of NCT of Delhi has already issued a Circular/Office Memorandum dated 19th August, 2019 (annexed at Page-496 of the petition) to the effect that if any dairy farms have no license, they must be sealed and closed. The statistics, which are annexures to the writ petition, have also been referred to by the petitioners to show that hardly any action has been initiated by the respondents for sealing of the dairy farms or to disconnect their electricity connection.

5. We have heard the learned counsel for the respondents. Mr.Sanjoy Ghose, the learned ASC appearing for Government of NCT of Delhi in W.P.(C) No.459/2018 submits that a detailed status report has been filed in W.P.(C) No.697/2016 by the Director, Animal Husbandry Unit, Government of NCT of Delhi dated 31st August, 2019.

6. We have perused the said status report. Paragraphs 3 and 4 of the said status report read as under:-

“3. That it is submitted that in pursuance of the directions passed by this Hon'ble Court, from time to time, the local

bodies have taken prompt action. The action taken during the period from 01.01.2019 to 15.08.2019 are - 6723 stray cattle have been impounded and deported to the Gausadan by the local bodies, 215 dairies have been sealed, 1365 prosecutions have been initiated by the local bodies under the provision of DMC Act, 1957, 829 complaints have been made by the local bodies to Delhi Police for lodging FIR u/s 289 of IPC, and u/s 98 of Delhi Police Act, and an amount of fine amounting Rs.6,48,970/- have been imposed by the local bodies on the defaulting units/individuals under DMC Act.

4. That it is also submitted that the Delhi Pollution Control Committee (DPCC) has imposed environmental compensation ranging from Rs. 2.0 Lakh to Rs. 4.0 Lakhs on 41 dairies, from 04.07.2019 to 15.08.2019.”

7. In view of the aforesaid status report, it appears that:
- i) 6723 stray cattle have been impounded,
 - ii) 215 dairies have been sealed,
 - iii) 1365 actions have been initiated for the violation of Delhi Municipal Corporation Act, 1957,
 - iv) 829 complaints have been lodged under Section 289 of the IPC read with Section 98 of the Delhi Police Act, 1978,
 - v) Fine to the tune of Rs.6,48,970/- have been imposed,
 - vi) Delhi Pollution Control Committee has also imposed Environmental Compensation ranging from Rs.2 lacs to Rs.4 lacs on 41 dairies for the period running from 4th July, 2019 to 15th August, 2019,
 - vii) As per Animal Health and Welfare Policy, action will be initiated by the respondents,
 - viii) Unit Identification (UID) of cattle has also been constituted.

8. In view of the aforesaid, it appears that steps have been taken by the respondents and it is expected from the respondents that they shall continue to take action against illegal dairy farms as also take steps with regard to the cattle etc., as pointed out in the status report. If any dairy farm is being run without license, as per the aforesaid office memorandum dated 19th August, 2019, the respondents shall take action of sealing and then closing them down by disconnecting electricity, water and drainage connections.

9. With these observations, we see no reason to further monitor these cases and the writ petitions are, accordingly, disposed of. The pending applications are also disposed of.

10. The respondents will also appreciate the directions given by this Court and implement them. The petitioners are, however, given liberty to move this Court in case of any difficulty.

CHIEF JUSTICE

C.HARI SHANKAR, J

SEPTEMBER 04, 2019

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