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

+ **W.P.(C) 32/2026 and CM APPL. 47/2026**

LAJWANTI DEVI

.....Petitioner

Through: Ms. Aditi Gupta, Advocate
(DHCLSC) with Ms. Lavanya
Bhardwaj, Advocate.

Versus

DELHI MILK SCHEME & ANR.

.....Respondents

Through: Mr. Shashi Pratap Singh, Ms. Shagun
Sabharwal, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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05.01.2026

CM APPL. 48/2026 (for exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 32/2026 and CM APPL. 47/2026

1. At the oral request of the petitioner, the respondent no.2 is directed to be deleted from the array of parties. Respondent no.1 be impleaded through Union of India. Let the petitioner to file the amended memo of parties during the course of the day.
2. For the nature of the direction, which the Court intends to pass, it is not necessary to direct for issuance of notice to respondent no.1.
3. The petitioner is assailing the order dated 18.11.2025, whereby the Milk Distribution Officer under the Delhi Milk Scheme (DMS) has directed



the petitioner to vacate and hand over the physical possession of Milk Depot no.173-74 within 48 hours, failing which the forcible possession was to be taken invoking powers under Booth agreement dated 07.03.2009.

4. Ms. Aditi Gupta, learned counsel, who appears for the petitioner, submits that, as of now, physical possession of the depot has not been taken over by respondent no.1. Learned counsel also submits that the petitioner was allotted milk depot in March 2009 and since then, she has been operating the same in terms of the allotment. It is further stated that the depot was under encroachment and had suffered illegal demolition in the year 2010. Thereafter, according to Ms. Gupta, the depot was reconstructed at the petitioner's own expense, and she continued to operate the depot making necessary payments.

5. However, it is stated that during 2018-19, DMS stopped accepting payments from the petitioner and also failed to furnish the account statements etc. The petitioner appears to have made various requests for reconciliation and her willingness to clear due amount.

6. It is further stated that without addressing the petitioner's requests, the DMS abruptly stopped the milk supply w.e.f. 18.05.2019. A Show Cause Notice, thereafter, was issued alleging non-payment of dues. Furthermore, the petitioner is stated to have raised various grievances *vide* representation dated 26.11.2025 and the same has not been disposed of till date.

7. Having considered the facts in brief, it emerges that the depot was allotted essentially for the distribution of milk, and the supply of milk has been stopped to the petitioner since 2019. Despite the same, the petitioner has not taken any steps except making some representations.

8. Under these circumstances and in view of the fact that there may arise



various disputed questions of facts, the Court was of the *prima facie* opinion that the instant writ petition should not be entertained and instead the petitioner should take appropriate recourse in accordance with law .

9. Ms. Gupta, learned counsel for the petitioner, at this stage, however, confines her prayer to the extent of directing the respondent no.1 to consider her representation dated 26.11.2025 by a speaking order. She also submits that, if the said order is passed, the petitioner, thereafter, shall take appropriate recourse in accordance with law. According to her, the petitioner is unaware of the reasons for which the allotment was cancelled.

10. Under these circumstances, the Court deems it appropriate to pass the following directions:-

- (i) Let the petitioner's pending representation dated 26.11.2025 be decided by DMS by way of a speaking order within thirty days from the date of receipt of a copy of the order passed today;
- (ii) Till the said representation is decided, the *status quo* be maintained with respect to depot no. 173, if the possession has not already been taken over;
- (iii) In case, the representation is decided against the petitioner, she shall be at liberty to take appropriate recourse in accordance with law.

11. With the aforesaid directions, the instant writ petition stands disposed of along with all pending applications.

12. All rights and contentions of the parties are left open.

13. A copy of this order be given *dasti* under the signatures of the Court Master.

PURUSHAINDR KUMAR KAURAV, J

JANUARY 5, 2026/Nc/mj