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

**+ W.P.(C) 13236/2022 & CM APPL.60825/2023, 45674/2024, 57175-57176/2024 and 57204-57206/2024**

**SUNAYANA SIBAL & ORS.**

**..... Petitioners**

Through: Mr. Vivek Sibal, Sr. Adv. with Ms. Smriti Singh, Ms. Esha Dutta, Ms. Shaalini Agrawal, Mr. Sidharth Pandey, Ms. Sara Shrawani, Advocates

**versus**

**GOVERNMENT OF NCT OF DELH & ORS.**

**..... Respondents**

Through: Mr. Parvinder Chauhan, Ms. Akriti Garg, Advocates for DUSIB, Mr. P.K. Jha, Mr. Pranav Siroha, LA and Mr. Himanshu Singhal, LA

Mr. Manu Chaturvedi with Mr. V.K. Singh, Advocates for MCD

Mr. Kirtiman Singh, Mr. Waize Ali Noor, Advocates for UOI

Mr. Rakesh Chawdhary, Mr. Sushaar Chawdhary, Advocates for R-4/FSSAI

Ms. Gauri Puri, Court Commissioner

Mr. Balraj Singh Malik and Mr. Amarjeet Sahni, Advocates for the applicant in CM APPL. Nos. 57175-76/2024

Mr. Tanmaya Mehta, Mr. Krishnagopal Abhay, Ms. Pari



Bhardwaj and Mr. Vikram Singh,  
Advocates for applicant/intervenor in  
CM APPL. 59512/2024 and CM  
APPL. 59513/2024

Ms. Gauri Puri, Court Commissioner

Ms. Geetanjali Goel, OSD(Rules and  
Litigation Delhi High Court)

Mr. Manish Srivastava, Mr. Moksh  
Arora, Advocates for R-13/NDPL

Mr. Shreyansh U. Lalit, Advocate for  
the Intervenor (Ghazipur Association)  
in CM APPL. 40340/2024 and CM  
APPL. 59498/2024

Mr. Biraja Mahapatra and Mr. Nalin  
Hingorani, Advocates for DPCC

Mr. Nipun Katyal and Mr. Surya  
Pratap Singh Rana, Advocates for R-1  
to 3, 7

Ms. Radhika Bishwajit Dubey, CGSC  
with Ms. Drishti Rawal and Ms.  
Gurleen Kaur, Advocates for Delhi  
Police

Mr. Vikram Chandravanshi, UOI,  
Department of Animal Husbandry

Mr. Pramod Gupta with Ms. Osheen  
Bhat, Advocates for R-16/Madanpur  
Khadar Dairy Farmers Association

Mr. Ramesh Singh, Senior Advocate



with Ms. Amita Singh Kalkal, Mr. Devvrat Pradhan and Ms. Aditi Gupta, Advocates for applicants in CM APPL. Nos. 57204-06/2024 and CM APPL. 59499/2024

Mr. Ishaan S Sharma, Mr. Harshit Dhamija, Mr. Bhushan Kalia, Advocates for DDA

Mr. Sarosh Ali, Advocate for North Forest Division

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**  
% **08.10.2024**

**CM APPL. 59498/2024**

1. CM APPL 59498/2024 is an application filed by the Ghazipur Dairy Farm Farmers Association ('the applicant'). This application is supported with an affidavit filed by Sh. Sant Ram Pradhan who is stated to be the President of the applicant association.

1.1. This party is also an applicant in CM APPL 40340/2024 which was heard by this Court and orders dated 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024 were passed in the said application. The said application was also duly supported with an affidavit of Sh. Sant Ram Pradhan.

2. It is admitted in the present application that during the course of hearing on 23<sup>rd</sup> August, 2024 Sh. Sant Ram Pradhan, the President of the applicant association gave a statement to this Court that dairy owners of Ghazipur Dairy colony are willing to close their dairies and shift from



Ghazipur Dairy Colony. It is admitted that Sh. Sant Ram Pradhan on behalf of the dairy owners had further undertaken that if any livestock is found after eight (8) weeks from 23<sup>rd</sup> August, 2024 the municipal authorities will be at liberty to seize the said livestock. It is also admitted that on 28<sup>th</sup> August, 2024, Sh. Sant Ram Pradhan reiterated the undertaking on behalf of the applicant Association.

2.1 By way of the present application, the applicant association and Sh. Sant Ram Pradhan seek to resile from the undertaking given to this Court on 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024.

2.2 It is stated that Ghazipur Dairy Farm Farmers Association is an association built only for the cleanliness purposes of Ghazipur Dairy Colony. It is stated that the members of the association in no capacity can act as the elected representatives whose words are binding upon the numerous dairy farmers in Ghazipur Dairy colony.

2.3 It is stated that Sh. Sant Ram Pradhan could not consult all the dairy owners before making the statement before this Court on 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024 and therefore, the statement of Sh. Sant Ram Pradhan cannot bind all the dairy owners of Ghazipur Dairy Colony. It is stated that Sh. Sant Ram Pradhan has communicated the orders of the Court to the individual dairy owners, however, the said dairy owners are unwilling to abide by the undertaking given by him to this Court and therefore, the Association has filed this application for modification of the orders dated 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024.

3. The applicant is represented by Mr. Shreyansh U. Lalit, Advocate for Ghazipur Farm Farmers Association and relies upon the averments in the application for the reliefs sought.



4. This Court has heard the learned counsel for the applicant association and perused the record.

5. This Bench has been hearing this petition since January, 2024. Detailed orders were passed on 08<sup>th</sup> May, 2024, 27<sup>th</sup> May, 2024, 12<sup>th</sup> July, 2024, 19<sup>th</sup> July, 2024 and 09<sup>th</sup> August, 2024 directing relocation of the Bhalaswa dairy and Ghazipur dairy. Further in the said backdrop detailed and exhaustive orders recording the undertakings were passed on 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024. The said directions were passed after interacting with the highest functionaries of the concerned Government departments, examining the reports filed by the said statutory departments, reports of the Local Commissioner which showed the unthinkable on-ground situation in these dairy colonies as well as the report prepared by Delhi State Legal Services Authority (DSLISA).

5.1 The cattle are being kept in these colonies in complete breach of applicable laws. The dairy farm/plot owners have failed to obtain statutory licences for running the dairies and the animals are being kept in cruel conditions. The proximity of these colonies to the Sanitary Landfill Site (SLF) has compounded the problem and thus, there is an urgent need for relocation of the cattle which is commonly seen grazing at the landfill site in these dairy colonies.

6. In addition, the continuation of the existence of dairy farms in these colonies is a breach of the judgment of this Court in **Common Cause v.**



**Union of India** (2002)<sup>1</sup>, **Common Cause v. Union of India** (2007)<sup>2</sup> and **Common Cause v. Union of India** (2010)<sup>3</sup>.

6.1 The Division Bench in **Common Cause** (2002) (supra) categorically directed the Municipal Authorities and Government of NCT of Delhi to relocate these dairies to the outskirts of Delhi. The direction of relocation specifically referred to and included both Bhalaswa and Ghazipur dairies. In view of the non-compliance, the matter was re-considered by the Division Bench in **Common Cause** (2007) (supra) and the time for relocation of the dairies was extended until 15<sup>th</sup> January, 2008. This period was lastly extended in **Common Cause** (2010) (supra) until September, 2011. To enable the relocation of the eligible dairy owner the Division Bench issued directions which led to setting up of Ghogha dairy colony in Narela, Delhi. However, despite the aforesaid mandamus of this Court, the dairy farms at Bhalaswa and Ghazipur have continued to operate in flagrant breach of directions of this Court.

6.2 The pitiable condition of the cattle in these colonies and the rampant commercialization of land over the dairy plots in these dairy colonies contrary to the terms of allotment, municipal laws and urban planning laws was writ large in the reports filed in this Court by Local Commissioner and statutory authorities. The rampant commercialization has made these colonies unfit for cattle, for which they were primarily setup.

6.3 It is in the aforesaid background that this Court on 19<sup>th</sup> July, 2024 recorded the undertaking of MCD and DUSIB that they shall ensure strict action against the eight (8) dairy colonies so as to bring them in conformity

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<sup>1</sup> 2002 SCC OnLine Del 1388.

<sup>2</sup> 2007 SCC OnLine Del 863.



with applicable laws. In addition, undertaking of the veterinary department of Municipal Corporation of Delhi (MCD) and Animal Husbandry Department of Government of National Capital Territory of Delhi (GNCTD) was recorded that they shall ensure the welfare of the cattle in these colonies. In addition, direction for shifting of these colonies within four (4) weeks was issued.

6.4 The matter was thereafter posted for reporting compliance by statutory authorities on 23<sup>rd</sup> August, 2024.

6.5 It is qua the directions issued as mentioned above, MCD initiated action against the dairy farm/plot owners in these colonies for their gross misuse of the dairy plot and cruelty to animals.

6.6 Thereafter, in the first instance, Bhalaswa Dairy Residential Colony Committee filed CM APPL. 45674/2024 seeking impleadment and CM APPL. 45672/2024 for interim relief against sealing and demolition action of MCD and DUSIB. The said applications were listed on special mentioning on 09<sup>th</sup> August, 2024 wherein the dairy owners of Bhalaswa gave an undertaking that they are willing to relocate their cattle to Ghogha Dairy Colony, Narela and therefore, sought a stay on the action initiated by the statutory authorities. In view of the undertaking given by Bhalaswa Dairy Residential Colony Committee, the action initiated against the dairy owners in Bhalaswa Dairy Colony was stayed until 16<sup>th</sup> August, 2024. On the said date Bhalaswa Dairy Residential Colony Committee was impleaded as Respondent No. 11.

7. On 16<sup>th</sup> August, 2024, Bhalaswa Dairy Residential Colony Committee, the applicant in CM APPL. 45674/2024 and CM APPL.

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<sup>3</sup> WP(C) 3791/2000.



45672/2024 reiterated the undertaking that the members of the Association are willing to shift their cattle to Ghogha. In view of the aforesaid undertaking, the interim order staying the sealing and demolition action was extended until 23<sup>rd</sup> August, 2024.

7.1 Therefore, on 23<sup>rd</sup> August, 2024, Ghazipur Dairy Farm Farmers Association as well filed an impleadment application i.e., CM APPL. 40340/2024 and stated before this Court that the dairy owners of Ghazipur are willing to close down their dairies and relocate their cattle within eight (8) weeks. The said undertaking was given on behalf of Ghazipur Dairy Farm Farmers Association represented by Sh. Sant Ram Pradhan, President of Ghazipur Dairy Farm Farmers.

7.2 Simultaneously, Bhalaswa Dairy Residential Colony Committee as well through its President, Mr. Satish Kumar reiterated its stand that the dairy owners in Bhalaswa Dairy Colony are willing to close down their dairies and relocate their cattle within eight (8) weeks. The order evidences that both Ghazipur Dairy Farm Farmers Association and Bhalaswa Dairy Residential Colony Committee were represented by eminent Senior Counsels and therefore, the undertaking was given by the applicants after fully comprehending the import of the said statements. The matter was thereafter adjourned to 28<sup>th</sup> August, 2024.

8. On 28<sup>th</sup> August, 2024, both 'Ghazipur Dairy Farm Farmers Association' and 'Bhalaswa Dairy Residential Colony Committee' were once again represented by their President Sh. Satish Kumar and Sh. Sant Ram Pradhan, respectively.

8.1 On this date as well, the Associations reiterated that dairy owners of Bhalaswa and Ghazipur remain bound by the undertaking recorded on 23<sup>rd</sup>



August, 2024 and the cattle shall be relocated within eight (8) weeks. In view of the said undertaking, the action of seizing the cattle in these colonies was suspended by the Municipal Authorities.

8.2 The aforesaid facts evidence that the directions of this Court issued on 19<sup>th</sup> July, 2024 in continuation of the mandamus of **Common Cause** (2002) (supra) for closing down the dairies at Bhalaswa and Ghazipur have been in the knowledge of all the residents and dairy owners of these colonies.

8.3 The dairy owners in these colonies availed the period of stay granted by this Court vide orders dated 09<sup>th</sup> August, 2024, 16<sup>th</sup> August, 2024, 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024. The period of eight (8) weeks is now coming to close and at this stage, the captioned application has been filed seeking to withdraw the undertaking given by Sh. Sant Ram Pradhan.

8.4 In the opinion of this Court, this application is an abuse of process of law. The applicant herein i.e., Ghazipur Dairy Farm Farmers Association has been duly represented by a battery of lawyers led by eminent senior counsel and the statement made by its President Sh. Sant Ram Pradhan was made after duly understanding the import of the said undertaking. To accept the submissions made in this application would be a mockery of the proceedings held before this Court on 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024.

8.5 Even otherwise on merits, this Court is of the opinion that the continued existence of dairies at Bhalaswa and Ghazipur is in gross violation of law and directions issued by this Court in **Common Cause** (2002) (supra), **Common Cause** (2007) (supra) and **Common Cause** (2010) (supra), the milk produced in these colonies is injurious to public health and the cattle kept in these colonies are subject to cruelty.



9. This Court, accordingly finds no merit in the averments made in this application i.e., CM APPL. 59498/2024 and the same is dismissed. The veterinary department of MCD and Animal Husbandry Department of GNCTD is directed to ensure that no cattle is found in these colonies after the expiry of the eight (8) weeks granted vide order dated 23<sup>rd</sup> August, 2024 and the statutory authorities shall begin inspection with the dairy owned and operated by Sh. Sant Ram Pradhan and his family members.

**CM APPL. 59512/2024 and CM APP. 59513/2024**

10. CM APPL. 59512/2024 has been filed purportedly on behalf of 50 dairy farm owners of Ghazipur Dairy Colony. The application is supported by an affidavit of one individual Sh. Inder Pal Malhotra. The application annexes an authorisation letter purportedly signed by 50 persons authorising Sh. Inder Pal Malhotra to represent them in the present matter.

11. CM APPL. 59513/2024 has been filed by the said Mr. Inder Pal Malhotra seeking stay of the directions issued by this Court vide orders dated 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024.

12. Mr. Tanmay Mehta, learned counsel appears for these applicants. In these applications, it is contended that the applicants are not bound by the statement made and undertaking given by Sh. Sant Ram Pradhan on 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024. It is stated in paragraph 5(g) of CM APPL. 59512/2024 that the applicants learnt about the undertaking on 01<sup>st</sup> September, 2024 and the applicants are unwilling to abide by the said undertaking. There is no explanation in the application for the time taken for filing this application only on 06<sup>th</sup> October, 2024 strategically after nearing the expiry of the eight (8) weeks of protection granted on the basis of the statement and undertaking of Sh. Sant Ram Pradhan.



13. This Court is not persuaded to accept the submission of the applicants that they were not aware of the pendency of these proceedings and the orders passed therein until 01<sup>st</sup> September, 2024. To accept such a submission would permit the applicants to subvert the process of law.

14. The reasons stated for the dismissal of the first application today, i.e., CM APPL. 59498/2024 equally applies to these applications and the same are dismissed for being bereft of any merits.

**CM APPL. 57175/2024 and CM APPL. 57176/2024**

15. CM APPL. 57175/2024 has been filed by one Mr. Devendra Singh who states that he is a dairy owner of Ghazipur Dairy Colony. The applicant seeks impleadment in this petition.

16. CM APPL. 57176/2024 has been filed by Mr. Devendra Singh seeking recall of the order dated 28<sup>th</sup> August, 2024 in respect of Ghazipur Dairy Colony.

17. Mr. Balraj Singh Malik, Advocate appears on behalf of the applicants. He states that the orders passed by this Court on the basis of the reports filed before it by the Local Commissioner are incorrect. He states that the fact situation at Ghazipur Dairy Colony is completely different for what has been portrayed before this Court. He states that there was no basis for issuing directions of re-location of the dairy from Ghazipur.

17.1 He states that Mr. Sant Ram Pradhan does not represent all the dairy farmers of Ghazipur Dairy Colony and his statement recorded before this Court on 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024 is without any basis.

17.2 Learned counsel fairly conceded that he is not aware of the mandamus for re-location of dairies at Ghazipur issued by earlier Division Bench in



**Common Cause (2002) (supra) Common Cause (2007) (supra) and Common Cause (2010) (supra).**

18. In the application, i.e., CM APPL. 57175/2024, the applicant admits knowledge of the undertaking given by Sh. Sant Ram Pradhan on 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024; however, fails to explain his silence until now in raising these objections to the undertaking given by Sh. Sant Ram Pradhan.

18.1 It is apparent that the applicant herein having availed the benefit of the protection granted by the undertaking given by Sh. Sant Ram Pradhan, now when the period of eight (8) weeks is expiring, has filed these applications to wriggle out the said undertaking.

18.2 In this application, the applicant has failed to give any particulars with respect to his dairy as has been sought in the order dated 09<sup>th</sup> August, 2024 at para '17'. Conspicuously, the application is silent with respect to the possession of statutory licenses mandatorily required by a dairy farmer to operate a dairy. The application does not even contain the basic details with respect to the cattle owned by this applicant.

18.3 During the course of arguments, the learned counsel sought to discredit the reports filed by the Local Commissioner by alleging that the same do not represent true and correct facts. However, the said averments are bald and no material has been placed with these applications to rebut the report of the Local Commissioner. The statutory bodies and DLSA has also confirmed the pitiable condition of this area.

18.4 Be that as it may, the basis of issuance of directions by this Court for relocation of cattle in its previous orders is unaffected by the undertaking of Sh. Sant Ram Pradhan and the directions to the statutory bodies to ensure



that all dairies are relocated finds its basis in the issue of public health and cruelty to animals. In addition, the reasons given for the dismissal for CM APPL. 59498/2024 also apply to these applications.

19. Accordingly, the CM APPL. 57175/2024 and CM APPL 57176/2024 are dismissed for being without any merits.

**CM APPL. 59514/2024**

20. This is an application seeking exemption from filing dim, true copies without proper margin and illegible copies along with supporting affidavit.

21. For the reason stated in the application, the same is allowed and accordingly stands disposed of.

**CM APPL 57206/2024**

22. This is an application seeking exemption from filing dim and illegible copies of annexures along with supporting affidavit.

23. For the reason stated in the application, the same is allowed and accordingly stands disposed o.

**CM APPL. 59499/2024**

24. This is an application filed by 20 individuals operating dairies in Bhalaswa Dairy Colony. It is stated that these individuals have also filed CM APPL. 57204/2024 with some other applicants. By way of this application, these 20 individuals seek to withdraw their names from the memo of parties filed with CM APPL. 57204/2024 and CM APPL. 57205/2024.

25. Mr. Ramesh Singh, learned senior counsel appearing for these applicants' states that these 20 individuals are members of Bhalaswa Dairy Residential Colony Committee and are bound by the statement given on 23<sup>rd</sup> August 2024 by Sh. Satish Kumar, the President of the Committee undertaking to relocate their cattle within eight (8) weeks.



25.1 He states thus, the said 20 individuals are seeking leave to withdraw from CM APPL. 57204/2024 and CM APPL. 57205/2024, wherein the other applicants are seeking an extension of time for relocating the cattle.

26. In view of the submissions of the counsel, this application is allowed and these 20 applicants enlisted at para '3' of this application are permitted to withdraw from CM APPL 59499/2024.

27. Accordingly, the application is disposed of.

**CM APPL. 57204/2024 and CM APPL. 57205/2024**

28. CM APPL 57204/2024 has been filed by 38 individuals, who are stated to be operating dairies in Bhalaswa Dairy Colony. It is stated that the 38 individuals are licensed dairy holders. The application is supported with the sole affidavit of one Mr. Roshan Lal Yadav.

29. As noted hereinabove, CM APPL. 59499/2024 has been filed by 20 individuals seeking to withdraw their prayer for impleadment in this application. Pertinently, Mr. Roshan Lal Yadav is one of the applicants who has withdrawn his prayer for impleadment. The said application has been allowed earlier today. With the withdrawal of Mr. Roshan Lal Yadav's consent, CM APPL. 57204/2024, which is supported with his affidavit cannot be maintained.

30. Learned senior counsel states that impleadment is being sought by the remaining 18 applicants for seeking an extension of time to relocate their cattle. He states that the applicants seek time until 31<sup>st</sup> March, 2025 to continue dairy activities at Bhalaswa Dairy Colony. This application seeking an extension of time is CM APPL. 57205/2024 and this application is supported by affidavit of the same Mr. Roshan Lal Yadav.



31. The learned senior counsel during the course of arguments does not dispute that the applicants have had the knowledge of the undertaking given by Sh. Satish Kumar on behalf of dairy owners on 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August, 2024 that the cattle will be relocated within eight (8) weeks.

32. This Court vide order dated 09<sup>th</sup> August, 2024, 23<sup>rd</sup> August, 2024 and 28<sup>th</sup> August 2024 had directed all dairy owners to furnish details of their dairies with specific particulars as set out in para '17' and '24' of the order dated 09<sup>th</sup> August, 2024. However, no dairy owners have been forthcoming in furnishing these details which would evidence their dairy activities. In this application as well the remaining 18 applicants have furnished no details of their dairy activities as required by the order dated 09<sup>th</sup> August, 2024.

33. For the reasons set out while dismissing CM APPL. 59498/2024, this Court is of the opinion that the present applications are also without any merits. There is no justification for extension of time until 31<sup>st</sup> March, 2025.

34. Accordingly, CM APPL. 57204/2024 and CM APPL. 57205/2024 are dismissed on merits.

**CM APPL 60825/2023**

35. This is an application filed by the Petitioners seeking directions to respondents statutory authorities for complying with the directions issued by this Court in orders dated 12<sup>th</sup> July, 2023 and 01<sup>st</sup> November, 2023 in a time bound manner.

36. In view of the subsequent proceedings wherein this Court has been regularly passing directions to the statutory authorities, the relief sought in the application have become infructuous.

37. The application is accordingly disposed of.



**W.P.(C) 13236/2022**

38. The Veterinary Department, MCD and the Animal Husbandry Department, GNCTD shall ensure that appropriate arrangements are made for enforcing the compliance of the undertaking of the dairy owners in Bhalaswa and Ghazipur Dairy Colonies recorded in order dated 23<sup>rd</sup> August, 2024. The order dated 23<sup>rd</sup> August, 2024 records that after expiry of eight (8) weeks in case any livestock or animal is found in the said two (2) colonies, the State shall be at liberty to seize them and shift them to Ghogha dairy or any other Gaushala.

39. Accordingly, all concerned statutory authorities including Municipal Department shall ensure that appropriate and adequate arrangements are made for keeping the seized animals in safe and hygienic conditions in compliance with the applicable Rules, including the Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978 and Cattle Premises Registration Rules.

40. List on 22<sup>nd</sup> October, 2024 for compliance and further directions.

41. The registry is directed to place the applications dismissed/disposed of today in the disposed of folder.

**CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**OCTOBER 8, 2024/msh/hp/sk**