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

+ W.P.(C) 13236/2022 & CM APPLs. 56064/2023, 60825/2023,
317152-37154/2023

SUNAYANA SIBAL & ORS.

.....Petitioners

Through: Mr. Vivek Sibal, Senior Advocate
with Ms. Smriti Sinha, Ms. Esha
Dutta, Ms. Shaalini Agrawal, Ms,
Shriyanshi Pathak and Mr. Siddharth
Pandey, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ORS.Respondents

Through: Mr. Nipun Katyal, Advocate with Mr.
Dhananjai Shekhawat and Mr. Archit
Jain, Advocates for respondents No.1
to 3 and 7-GNCTD.

Mr. Rakesh Chaudhary, Advocate
with Mr. Sushaar Chaudhary,
Advocate for respondent No.4/FSSAI.

Mr. Biraja Mahapatra, Advocate with
Mr. Nalin Hingorani, Advocates for
respondent No.5 with Mr.Ajeet
Agarwal, Addl. Director DPCC

Ms. Gauri Puri, Court Commissioner.
Mr. Parvinder Chauhan, Advocate
with MR. Vijay Maggo (Law Officer)
and Mr. Pranav Siroha, (LA) for
DUSIB.

Mr. Manu Chaturvedi, Standing
Counsel MCD with Ms. Devika Singh
Roy Chowdhury, Advocate along
with Mr. Raj Kmar DD(VS)/CNZ,
MCD.

Mr. Kirtiman Singh, Mr.Waize Ali



Noor, Mr. Varun Rajawat, Advocates for respondents No.8 to 10.

Ms. Apoorva Chauhan, Mr. Jap Singh and Mr. O.M. Sharma, Advocates for applicant.

Mr. Rajesh Pandey, Advocate with Mr. Jitender Tyagi, Advocate for Interveners.

Mr. Gagandeep Singh Bidhuri, Advocate for Madanpur Khadar (Through video conference).

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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12.07.2024

1. Learned standing counsel for Municipal Corporation of Delhi ('MCD') has addressed submissions with reference to Action Taken Report, ('ATR') dated 09th July, 2024. He also relies upon the ATR dated 11th July, 2024 filed by the Animal Husbandry Unit, GNCTD. He admits that there is an urgent necessity to set up a biogas plant with a capacity of 200 MT per day, however, the same has not been done due to paucity of funds and lack of land. He admits that several plots in the dairy colonies are not being used by the allottees for dairy purposes and many plots have been put to use by the allottees for non-sanctioned user including commercial user. He states that misuse of the dairy plots has been observed in both, colonies falling under the control of MCD and DUSIB. He states that in the colonies falling under the control of DUSIB as well the corrective action for stopping misuse by demolition has to be carried out by MCD. He states that though notices



have been issued, yet corrective action for stopping misuse has not been initiated.

2. Learned standing counsel for DUSIB states that DUSIB is willing to provide the area to MCD/GNCTD for setting up the biogas plant, however, it does not have the funds to set up the plant. He states that the costs for setting up the plant be borne by the appropriate authority or the government. He states that there is open drainage in the dairy colony and this is evident from the photographs handed over by the Petitioner during the hearing.

3. Learned senior counsel for the Petitioner has handed over a note during the hearing enclosing photographs of the dismal state of affairs at the dairies including the Bhalaswa Dairy as on 10th July, 2024.

4. The photographs amongst other things show rampant commercialization of the dairy plots contrary to the permissive user of the plot, absence of drainage in these colonies, continued feeding on garbage by the cattle within the colony as well as at the landfills site, carcass of dead calf lying on the road etc.

5. Mr. Gagandeep Singh Bidhuri, learned counsel enters appearance on behalf of dairy owners in Madanpur Khadar. He states that there is green pasture behind this dairy colony which is ideal for cattle to graze on. He states that the dairy owners in this colony are willing to assist the statutory authorities in making this colony a model dairy colony. He states that the dairy owners in fact require guidance from the statutory authorities to regularize their individual dairies and make them statutorily compliant. He states that the dairy owners are also willing to consider contributing funds for setting up a biogas plant. He states that he will file an appropriate application seeking impleadment and place on record the steps that the dairy



owners are willing to undertake to comply with the rules and regulations. He states he will file an appropriate application before the next date.

6. Mr. Kirtiman Singh, learned standing counsel for Union of India has entered appearance.

7. The note submitted by the Petitioner reflects that there has been no notable or visible improvement in the state of affairs in the colonies especially Bhalaswa and Ghazipur despite the detailed hearings held by this Court in May, 2024 in the presence of the officers. The cattle in these colonies continue to feed on the garbage at the adjoining landfill, while the dairy plots itself are being put to commercial use, which is contributing to the cattle being compelled to feed on the garbage instead of being cared for as per the rules. There has been no effective and substantive progress by the statutory authorities in preventing the cattle from feeding on garbage at the landfill site despite orders dated 08th May, 2024 and 27th May, 2024. The proposal of building walls around the dairy colonies is ineffective as is evident from the photographs placed on record by the Petitioners. The existing walls in the dairy colonies have been breached and the breach in the wall is being used to give access to the cattle to feed on garbage. It appears that statutory authorities are failing to comprehend the devastating effect of the cattle feeding on the toxic garbage, its effect on the milk and its consumption on the residents of the State. In these facts, this Court is of the considered opinion that the dairy colonies at Bhalaswa and Ghazipur have to be re-located from their existing site to another land whether within Delhi or outside Delhi. Union of India is directed to examine the availability of land for shifting of these colonies before the next date of hearing.



8. List on 19th July, 2024.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

JULY 12, 2024
hp/sk