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

+ W.P.(C) 13236/2022 & CM APPL. 60825/2023, CM APPL. 37154/2024, CM APPL. 42067/2024, CM APPL. 45675/2024, , CM APPL No.48590-91/2024

SUNAYANA SIBAL & ORS.

.....Petitioners

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

Ms. Beenashaw Soni, ASC, DDA with Ms. Mansi Jain and Ms. Ann Joseph, Advs.

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 DPCC.

Ms. Gauri Puri, Court Commissioner.

Mr. Parvinder Chauhan, Ms. Mahima



Anand, Ms. Aakriti Garg, Advs. with Mr. P.K. Jha, PR, Director, Mr. V.K. Maggo, Law Officer, Mr. Pranav Sinha, Legal Assistant and Ms. Lakshmi Naryan, Engineer, DUSIB.

Mr. Manish Srivastava, Mr. Moksh Arora and Mr. Santosh Ramdurg, Advs. for TPDDL.

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. Ranjeev Khatana, Mr. Manik Khurana, Mr. Varun Pratap Singh, Advs. for UOI.

Mr. Sunil Dalal, Sr. Adv. with Mr. V.P. Rana, Mr. Nikhil Beniwal, Mr. Mahabir Singh and Mr. Navish Bhati, Ms. Muskan Jain, Ms. Neha Mishra and Mr. Abhishek Sharma Advs. in C.M. APPL Nos. 48600-01/2024, 46574/2024, 46572/2024

Mr. Kirti Uppal, Sr. Adv. with Mr. Jatin Yadav, Mr. Daksh Gupta and Mr. Gaurav Dua, Advs. in CM APPL No. 40340/2024

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



Mr. Rajesh Pandey, Advocate with
Mr. Gaurav Bidhuri, Advocate in
C.M. Nos. 37152-53/2024, 40038-
39/2024

Mr. Gagandeep Singh Bidhuri,
Advocate for Madanpur Khadar

Mr. Pramod Gupta, Mr. Harsh Jaiswal
and Ms. Poonam Dolo, Advs.

Mr. Niraj Gupta, Adv in C.M. APPL
No. 45834-35/2024.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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23.08.2024

CM APPL. 40340/2024 & CM APPL. 45672/2024

1. Mr. Sunil Dalal, learned senior counsel appearing for Respondent No. 11 (Bhalaswa Dairy Owners) in CM APPL. 45672/2024 on instructions from Mr. Satish Kumar, President of Respondent No. 11 and Mr. Kirti Uppal, learned senior counsel appearing for Ghazipur Dairy Farm Farmers Association ('Ghazipur Farm Association') in CM APPL. 40340/2024 on instructions from Mr. Sant Ram Pradhan, President, Ghazipur Farm Association state that the dairy owners of Bhalaswa Colony and Ghazipur Colony are willing to close down their dairies and relocate their cattle within eight weeks. They clarify that, in case, any livestock or animal is found in the said two colonies after eight weeks, the State shall be at liberty to seize them and shift them to Ghogha Dairy or any other Gaushala. They



undertake to this Court that the applicants shall not claim any ownership of the said livestock/ animals seized by the administration/ Police.

2. Let an affidavit to the said effect be filed by 27th August, 2024.

3. List on 28th August, 2024.

CM APPL. 37152/2024 & CM APPL. 40038/2024

4. CM APPL. 37152/2024 has been filed by Mr. Charanjeet Singh stating that he is running a Dairy Farm from plot nos. 71,74,75 and 87A in Madanpur Khadar.

5. CM APPL. 40038/2024 has been filed by Mr. Vijay Singh Khari stating that he is running a Dairy Farm from plot no. 50B in Madanpur Khadar.

6. Though the present applications have been filed for intervention yet Mr. Rajesh Pandey, learned counsel for the applicants states that the applicants have taken a decision to close down their dairies and relocate the cattle within eight weeks. He further states that in case any livestock or animal is found belonging to the applicants in Madanpur Khadar after the said period of eight weeks, the administration as well as the Police shall be at liberty to seize the same and shift them to the Ghogha Dairy or any Gaushala.

7. He undertakes to this Court that the applicants shall not claim any ownership of the said livestock/ animals seized by the administration/ Police.

8. In view of the aforesaid statements which are taken on record, the present applications stand disposed of.



CM APPL. 37153/2024

9. CM APPL. 37153/2024 has been filed by Mr. Charanjeet Singh. Mr. Rajesh Pandey, learned counsel for the applicants wishes to withdraw the present applications with liberty to file appropriate proceedings in accordance with law. With the aforesaid liberty, the present applications stand disposed of.

CM APPL No. 48600/2024 & CM APPL No. 48601/2024

10. CM APPL. 48600/2024 has been filed for impleadment and CM APPL. 48601/2024 has been filed for stay of operation of notice dated 08th August, 2024 and eviction notice dated 20th August, 2024.

11. Mr. Sunil Dalal, learned senior counsel for the applicants states that the applications have been filed by 19 individuals. He clarifies that none of the applicants have any dairies or cattle at Shahbad Dairy Colony. The said statement is taken on record.

12. It is clarified that the issue of unauthorized construction, misuse of the allotted cattle sheds, encroachment is to be dealt with by the statutory authorities in accordance with law as directed by this Court vide order dated 19th July, 2024. Consequently, if the applicants have any grievance with regard to the notices of the statutory authorities, they shall be at liberty to challenge the same in accordance with law.

13. With the aforesaid observation, the present applications stand disposed of. The rights and contentions of all the parties are left open.

CM. APPL. 48590/2024

14. This is an application seeking early hearing on CM APPL. 42067/2024. The relief sought in this application has since become infructuous and the same is accordingly disposed of.



CM APPL. 40039/2024 & CM APPL. 37154/2024

15. These applications have been filed seeking exemption from filing certified copy of the annexures.

16. The applications are allowed, subject to just exceptions.

CM/2024 (to be numbered)

17. This is an application filed by the Petitioner no. 1 seeking urgent directions. The application has been mentioned and has been taken on Board. The Court Master is directed to take the application on record and the registry is directed to number the same.

18. Mr. Vivek Sibal, learned senior counsel for the Petitioner states that on 22.08.2024 at around 06:30 PM two unknown persons, who stated they were from Madanpur Khadar entered the residence of Petitioner No. 1 in an attempt to threaten her. He states that though at the relevant time, Petitioner No. 1 was not at home, the aforesaid incident has intimidated the Petitioner No. 1 and she fears for her safety. He states that therefore, appropriate directions are being prayed for directing the Commissioner of Delhi Police to provide police protection to Petitioner No. 1.

19. Mr. Pramod Gupta, learned counsel appearing for Dairy Owners of Madanpur Khadar in CM APPL. 48591/2024 that he will take immediate steps to ensure that no such incident is repeated by any of the dairy owners from Madanpur Khadar.

20. Issue notice.

21. Mr. Nipun Katyal, learned counsel accepts notice on behalf of Delhi Police.

22. The Commissioner Delhi Police is directed to undertake a threat perception analysis qua Petitioner No. 1 before the next date of hearing. In



the meantime, the concerned SHO having jurisdiction over the residence of Petitioner No. 1 is directed to ensure that a beat officer is immediately put on duty at the residence of Petitioner No. 1 so as to ensure that no harm is caused to her.

23. Mr. Nipun Katyal states that he will ensure that necessary instructions are issued to the SHO for providing adequate protection to the Petitioner No. 1.

24. The Delhi Police is directed to file status report before the next date of hearing.

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25. List on 28th August, 2024.

26. The Registry is directed to ensure that the disposed of applications are removed and placed in the separate folder.

27. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

AUGUST 23, 2024

N.Khanna