



2024:DHC:3527-DB



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

+ **W.P.(C) 13236/2022 & CM APPLs.56064/2023 and 60825/2023**

SUNAYANA SIBAL & ORS.

..... Petitioners

Through: Mr. Vivek Sibal, Sr.Advocate with
Ms.Smriti Sinha, Ms.Esha Dutta,
Ms.Shaalini Agrawal, Ms.Shriyanshi
Pathak, Advocates with Petitioners-
in-person.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr.Nipun Katyal, Advocate with
Ms.Anam Siddiqui and Mr.Naved
Ahmed, Advocates for R-1 to 3 and 7.
Mr.Rakesh Chaudhary, Advocate
with Mr.Sushaar Chaudhary,
Advocate for R-4/FSSAI.
Mr.Rajat Sharma, Advocate with
Ms.Nalin Hingorani, Advocate for
Mr.Biraja Mahapatra, Advocate for
R-5/DPCC.
Mr.Manu Chaturvedi, Standing
Counsel for R-6/MCD along with
Dr.Raj Kumar (Deputy Director,
Veterinary Dept., MCD).
Ms.Gauri Puri, Court Commissioner.
Mr.Parvinder Chauhan, Standing
Counsel (through VC) for DUSIB.

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Date of Decision: 01st May, 2024.



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

JUDGMENT

MANMOHAN, ACJ: (ORAL)

1. One of the issues flagged by the learned Court Commissioner is the rampant use of Oxytocin hormone in the dairy colonies, packaged in white plastic bottles with a red or silver cap.
2. According to the learned Court Commissioner, Oxytocin is administered to the cattle in a bid to force milk let-down and to increase production of milk. Since administering of Oxytocin amounts to animal cruelty and is a cognizable offence under Section 12 of The Prevention of Cruelty to Animals Act, 1960, consequently, this Court directs the Department of Drugs Control, GNCTD to conduct weekly inspections and ensure that all cases of spurious Oxytocin usage or possession are registered under Section 12 of The Prevention of Cruelty to Animals Act, 1960 and Section 18(a) of the Drugs and Cosmetics Act, 1940. The said offences are directed to be investigated by the jurisdictional police stations. The Intelligence Department of Delhi Police is directed to identify the sources of such spurious Oxytocin production, packaging and distribution and take action in accordance with law.
3. Learned senior counsel for the Petitioners has also drawn our attention to the two judgments rendered by this Court in the case of *Common Cause (Regd.) Society Vs. Union of India, 2002 SCC OnLine Del 1388* and *Common Cause Vs. Union of India, 2007 SCC OnLine Del 863*, wherein



two successive Division Benches had directed the Respondents to relocate the designated dairies outside the municipal zone of Delhi.

4. Admittedly, except constructing a small Ghogha Dairy colony in Narela, the said direction has not been complied with by the Respondents till date.

5. Learned senior counsel for the Petitioners, on instructions, states that even the condition in Ghogha Dairy is unsatisfactory. The Proposed Action Plan submitted by the learned senior counsel for the Petitioners is taken on record.

6. This Court is of the view that the dairies should be relocated in areas where there is proper sewage, drainage, biogas plant, ample open space for the cattle to move around and enough grazing area.

7. Though according to the learned Court Commissioner, the conditions in all the nine designated dairy colonies in Delhi, namely, Kakrola Dairy, Goela Dairy, Nangli Shakrawati Dairy, Jharoda Dairy, Bhalaswa Dairy, Ghazipur Dairy, Shahbad Daulatpur Dairy, Madanpur Khadar Dairy and Masoodpur Dairy are bad, yet this Court is of the view that there is urgent need to rehabilitate and relocate the Ghazipur Dairy and Bhalaswa Dairy forthwith as they are located next to the Sanitary Landfill Sites ('SLFS'). Cattle in the dairies situated next to the landfill sites without doubt would feed on hazardous waste and their milk if consumed by humans, particularly children, (directly or indirectly) could have serious consequences. Keeping in view the apprehension that dairies next to the landfill sites can cause illness and public health hazards, this Court is prima facie of the view that these dairies need to be relocated forthwith.



8. But before issuing any binding direction, this Court would like to hear from the concerned Officials as to how these directions should be implemented. For this purpose, the Commissioner (MCD), Director of Veterinary (MCD), Chief Secretary (GNCTD), CEO (DUSIB) and CEO (FSSAI) are directed to join the proceedings by way of an audio-video link on the next date of hearing.
9. To make the interaction with the officials meaningful, learned counsel for the Respondents are directed to bring the aforesaid two judgments as well as the two reports of the learned Court Commissioner to the knowledge of the concerned Officials. The Officials shall explore the possibility of availability of land where the dairies could be rehabilitated and relocated. The Chief Secretary shall also hold a prior meeting with the relevant Officials before appearing before this Court.
10. List on 8th May, 2024 at 4:00 P.M.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MAY 1, 2024
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