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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CONT.CAS(C) 252/2022**  
**SHRI SALEK CHAND JAIN** ..... Petitioner

Through: Mr. J.K. Gupta, Adv.

versus

**SH VIJAY KUMAR DEV & ORS.** ..... Respondents

Through: Ms. Aditi Saraswat, Adv. for  
Mr. Jawahar Raja, ASC (Civil) GNCTD for  
Respondents 1 to 3  
Mr. Akhil Mittal, Standing Counsel for  
MCD  
Mr. Vivek Kumar, Adv. for EDMC

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**ORDER (ORAL)**

**07.02.2024**

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**CONT.CAS(C) 252/2022**

1. This contempt petition alleges contumacious and wilful disobedience, by the respondents, of the directions contained in the order dated 25 September 2019, passed by this Court in W.P.(C) 10368/2019, which was a Public Interest Litigation instituted by the petitioner for ensuring that the malady of stray cattle, monkeys, dogs and other such animals on the road and municipal areas in the city are properly dealt with.



2. Paras 2 to 4 of the order dated 25 September 2019, which disposed of the writ petition, read thus:

“2. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that previously, two Writ Petitions, being W.P.(C) 3791/2000 as well as W.P.(C) 14175/2005 were preferred, mainly for the purposes that *goshalas and/or gosadans* may be maintained properly by the respondents. Care was to be taken of stray cattle, and a policy was to be evolved by the respondents so that stray cattle may not go on the road and cause accidents. Counsel for the petitioner has taken this Court to Annexure B to the memo of this petition and the orders passed in these Writ Petitions, more particularly the order dated 10<sup>th</sup> November, 2005. Counsel appearing for the petitioner has also submitted that in the present Writ Petition, not only difficulties faced by *goshalas* and *gosadans* are highlighted, but they have also highlighted the difficulties created by monkeys, as stated in the Writ Petition and it is submitted that the respondents should have some policy to take care of these monkeys at monkey shelters. Same is the case with stray dogs. Several suggestions have also been made by counsel for the petitioner about sterilization programmes for birth control etc., and for providing anti rabies vaccination to Government Hospitals.

3. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that it will suffice, for the disposal of the Writ Petition, in light of the earlier orders dated 10<sup>th</sup> November, 2005 passed by this Court in W.P.(C) 14175/2005 and W.P.(C) 3791/2000, to direct the respondents to evolve a policy or scheme for controlling stray cattle, monkeys and stray dogs and to take action immediately for these stray cattle, dogs and monkeys on the roads and in court premises. We also direct the respondents to provide sufficient quantity of anti-rabies vaccination to Government Hospitals/dispensaries at the earliest. We also direct the respondents to create a permanent committee or such other type of a body that will take care of street cattle, monkeys, stray, dogs etc. Every time, the respondents cannot expect a constitution of a Committee by the Court. If in one such matter, a Committee is constituted, it is enough guidance for the respondents to constitute committees by themselves. This Court does not want to do the work of the Executive.



4. We expect, from the respondents, that a committee or other type of body will be constituted immediately, in regards to stray cattle, stray dogs, monkeys etc., so that they may evolve some scheme or policy on how to control these stray cattle, street dogs and monkeys and the action will be initiated immediately. Simultaneously, it is the duty of the respondents to provide anti-rabies vaccination to Government Hospitals/dispensaries, which shall be provided at the earliest. We also expect from the respondents that they shall carry out all the directions given by this Court *vide* order dated 10<sup>th</sup> November. 2005, in W.P.(C) 14175/2005 and W.P.(C) 3791/2000.”

3. The contempt petition alleges that there has been no sufficient compliance with the aforesaid directions issued by this Court.

4. In this contempt petition, on 7 March 2022, the following order was passed:

“The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The learned Standing Counsel for the North Delhi Municipal Corporation ('North DMC), upon instructions, states that 3581 cattle have been impounded from the streets under its jurisdiction. They have been handed over to the gaushalas, maintained by the GNCTD. She submits that after the case was passed over this morning, about 25 cattle have been impounded from the streets and will be kept in a cattle pound or otherwise be transferred to the gaushalas.

2. The learned ASC for GNCTD states, upon instruction from Director, Animal Husbandry, that presently, five gaushalas are being maintained by the GNCTD, of which one is directly maintained by the Government, while other four are by private agencies on a license basis. Approximately 17,500 cattle are being housed and cared for in the said gaushalas. Let details about the same, month wise and year wise, be brought on record before the next date.

3. The said Director further informs that the earlier policy has changed, now once the cattle is brought into the gaushala, it is not released to the owner. He also assures the court that adequate number of veterinarians and trained personnel are available at the



gaushalas to take care of the destitute cattle. Let an audit report in this regard be filed in four weeks.

4. The court is assured by the learned counsel for the Corporation that the process of gathering/impounding cattle from the streets will be continued in right earnest and within two weeks all cattle shall be removed from the streets under its jurisdiction.

5. Renotify on 17.05.2022.”

5. Thereafter, several status reports have been filed in the present case. The latest status report, which is titled as an updated status report filed under an index dated 18 August 2023, avers, *inter alia*, that

(i) a total of nine stretches of land belonging to the Gaon Sabha were allocated to various NGOs for establishment and running of Gausadans in Delhi as per Cabinet Decision dated 29 July 1994,

(ii) six Gausadans were accordingly established in different parts of Delhi.

(iii) as the licence of one of the Gausadans was cancelled on 3 May 2019 and the trustee/management committee of another Gausadan surrendered the Gausadan in 2004, the municipal authorities were in the process of framing of rules and expression of interest for allotment, improvement and running of the Gausadans, following which a fresh allotment of Gausadans would be undertaken,

(iv) presently, the estimated cattle population in Delhi after the COVID-19 pandemic, is around 83,671 and,

(v) the four Gaushalas present in the city contained sufficient



space to accommodate abandoned cattle.

6. The affidavit provides the details of presently operating Gaushalas/Gausadans with their capacity, thus:

S. No.	Name and address of Gaushala/ Gausadan	Land	Capacity	No. of cattle as on 31.07.2023	Vacant capacity
1.	Gopal Gausadan, Village Harewali near Bawana, Delhi-110039	15 Acre	3225	3323	--
2.	Dabur Hare Krishna Gaushala, Village Surherra, Najafgarh, New Delhi-110043	24 Acre	5160	2927	2233
3.	Shri Krishan Gaushala, Sultanpur Dabas, Bawana-Kanjhawala Road, Delhi-110039	36 Acre	7740	8234	--
4.	Manav Gausadan, Village Rewla Khanpur, Najafgarh, Delhi-110043	16 Acre	3440	3142	298
					<b>2531</b>
5.	Ghummanhera Gaushala, Village Ghummanhera, Najafgarh Block, New Delhi-110043	19 Acre	4085	Vacant	4085
<b>Total</b>		<b>110 Acre</b>	<b>23650</b>	<b>17626</b>	<b>6616</b>



7. In the previous status report dated 18 August 2023 filed by the MCD, it is averred as under:

“III. That the compliance report of order dated 15.03.2023 is as below:-

1. The Hon'ble High Court while disposing off W.P. (C) No.10368/2019 vide order dated 25.09.2019 issued certain directions to the respondents to take steps as given under Paragraphs 3 and 4 of the said order. Out of 06 respondents, 3 respondents were Commissioners of erstwhile North DMC, South DMC and East DMC. Consequent upon the unification of MCD in May 2022, the matter is being looked after by the Department of Veterinary Services of unified MCD.

2. In order to control the menace of stray cattle on the roads, the department is having 20 cattle catching trucks in all 12 zones of MCD with adequate staff. During the period w.e.f.2020-21 to 2023-24 (up to July, 2023) total 36915 stray cattle have been impounded by the Department of Veterinary Services and the same were sent to the four (04) gaushalas/gausadans for their further feeding and management. These gaushalas/gausadans, where the MCD deports the stray cattle after impounding them from the roads, are running under the administrative control of the Department of Animal Husbandry, Govt of NCT of Delhi. The year-wise details of stray cattle impounded by MCD for the period w.e.f.2020-21 to 2023-24 (up-to July, 2023) is annexed is **ANNEXURE "A"**.

3. In order to control the population of stray dogs, MCD is carrying out a programme of sterilization and immunization of stray dogs in pursuant to the Animal Birth Control (Dog Rules) 2001(now 2023) issued by the Animal Welfare Board of India, a statutory body of Government of India. The work of sterilization and immunization of stray dogs is presently being done at 16 Centers. During the period w.e.f. April 2020-21 to 2023-24(up-to June, 2023), 207035 stray dogs have been sterilized and immunized against rabies at above 16 Dog Sterilization Centers, the year- wise details of sterilized and immunized stray dogs is annexed as **ANNEXURE "B"**.



4. That the monkey is a protected animal under Wildlife Protection Act, 1971 which is the subject matter of Wildlife Department, Govt. of NCT of Delhi. However, in compliance of the directions issued by the Hon'ble High Court the work of trapping of monkeys is being done by the MCD through the 10 monkey catchers engaged by it. The monkeys after catching by the engaged contractors are released in the Asola Bhati Mines, Wildlife Sanctuary, as per directions of the Hon'ble High Court. The Wildlife Department, GNCTD provides the food to these monkeys relocated at Asola Bhati Mines. During the period w.e.f. 2020-21 to 2023-24 (up-to July 2023) a total 4971 monkeys have been trapped by MCD and relocated/deported to the Asola Bhati Mines, the details of which is annexed as **ANNEXURE "C"**.

5. The matter for providing the sufficient quantity of anti-rabies vaccine to Govt. Hospital/dispensaries relates to the Department of Animal Husbandry, Govt. of NCT of Delhi.

6. In order to look after the matter of stray cattle, monkeys and stray dogs following 03 Committees have been constituted.

a. As per directions of Hon'ble High Court of Delhi issued in the matter of W.P.(C) No.3791/2000, Common Cause Society Vs. Union of India & Ors., the following two members coordination committee has been constituted to ensure the eradication of stray cattle and illegal dairies from urban areas:

(i) Dy. Commissioner of the concerned Municipal Zone

(ii) Dy. Commissioner of police of the respective district

b. The Hon'ble High Court vide order dated 14.03.2007 in the matter of New Friends Colony Residents Welfare Association & Union of India & Ors. in W.P. (C) No. 2600/2001 has constituted an Enforcement Committee comprising the following members:



i. Chief Wildlife Warden, Govt of NCT of Delhi

ii. Director (VS), Municipal Corporation of Delhi

iii. Director (Enforcement) New Delhi Municipal Council.

iv. Sonya Ghosh (from Citizens for the Welfare & Protection of the animals.

c. In order to monitor the issues and framing the policy relating to stray dogs following committee had been constituted vide order No. 0036/DD(VS)/RCP/SDMC/2012 dated 04.12.2012.

1. Commissioner, North DMC	President
2. Commissioner, South DMC	Vice President
3. Commissioner, East-DMC	Vice President
4. Addl. Commissioner, (In charge Veterinary Services Department),	SDMC Member
5. Addl. Commissioner, (In charge Veterinary Services Department),	NDMC Member
6. Addl. Commissioner, In charge Veterinary Services Department),	EDMC Member
7. Director (Veterinary Services), SDMC	Member
8. Director (Veterinary Services), NDMC	Member
9. Director (Veterinary Services), EDMC	Member
10. Dy. Director (VS)/Rabies Control Prog. East DMC	Member
11. Director A.H-GNCTD	Member
12. Medical Supdt. Vety. Hospital Moti Bagh, NDMC	Member
13. Director, Sanjay Gandhi Animal Care Centre, Raja Garden-NGO	Member
14. Vice President, Friendicose-SECA-NGO	Member
15. Chairperson, Circle of Animal Lovers-NGO	Member
16. Chairperson, Sonadi Charitable Trust-NGO	Member
17. Joint Secy. (Information) Min. of Commerce & Industries, Govt of India	Member
18. Under Secy. (Animal Welfare) Min. of Environment & Forests, Govt of India	Member
19. Dy. Director (VS)/Rabies control Programme North DMC	Member Secretary
20. Dy. Director (VS)/Rabies Control Programme South DMC	Treasurer





Sd.  
(Addl. Director (VS)-IIIMCD)”

**8.** The assertions contained in the above status reports suffice to constitute substantial compliance with the directions contained by this Court in its order dated 25 September 2019. The order dated 25 September 2019 has to be meaningfully understood. It cannot be expected that the municipal authorities can completely wipe out, from the roads and municipal areas of Delhi, all stray animals, whether cattle, monkeys, dogs or other animals. The duty of the municipal authorities is to take concerted, sincere and optimum steps to ensure that such animals are rehabilitated and do not possess a menace to residents of Delhi or to the traffic plying on the roads.

**9.** In any event, in view of the aforesaid status reports filed by the respondents, it cannot be said that there is contumacious or wilful disobedience on their part in complying with the directions contained in the order dated 25 September 2019. There is a distinction between contempt and enforcement.

**10.** In the event that the petitioner is still unhappy with the measures that have been taken, it would be open to him to agitate the said grievance in appropriate proceedings.

**11.** Reserving liberty with the petitioner to do so, the notice of contempt issued by this Court is discharged.



12. The contempt petition is disposed of.

**C.HARI SHANKAR, J**

**FEBRUARY 7, 2024**

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*Click here to check corrigendum, if any*