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

+ **W.P.(CRL) 917/2023**

RITU GAUBA ADVOCATE Petitioner

Through: Petitioner in – person.
versus

COMMISSIONER OF POLICE Respondent

Through: Mr. Sanjay Lao, Standing Counsel
(Crl) with Ms. Priyam Agrawal,
Advocate.

Mr. Santosh Kr. Tripathi, Standing
Counsel for GNCTD with Mr. Arun
Panwar, Ms. Mehak Rankawat and
Mr. Karthik Sharma, Advocates.

Insp. Avesh Kumar, Court Cell/Police
Headquarters, New Delhi.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **29.03.2023**

1. Though the writ petition has primarily been filed for issuance of a writ of mandamus, order or direction to the Respondent to take all measures for ensuring clean and hygienic milk to be supplied to the people of Delhi, the prayers made in the writ petition are as under:

"(i) Direct the Commissioner of Police/Respondent to call for and scrutinize the money statement of the Constituency funds being properly used for public welfare and to improve public health;

(ii) Direct the Commissioner of Police/Respondent

herein to Book, arrest and proceed according to law in case of dereliction of duty to public for safety and security of public health;

(iii) Direct the Commissioner of Police to make regulations for safety and security, care and protection of the Cattle under Section 28 (m), 73, 98, 99 DP Act, Section 11 of Prevention of Cruelty to Animals Act and under the provisions of the Penal Code;

(iv) Direct the Commissioner of Police to instantly take measures within a week for making provisions for clean drinking water for the Cattles from the public funds in the hands of the Public Authorities;

(v) Pass any other and further order/s to any other person or authority in the facts and circumstances of this case for the interest of justice."

2. The first three prayers of the writ petition are in no way connected with the purpose for which the instant writ petition has been drafted and filed. When the Petitioner appearing in - person, who is also an Advocate, was confronted with this, she states that she is not pressing the prayer Nos.(i) to (iii) of the writ petition.

3. Learned Standing Counsel appearing for the Respondent/Commissioner of Police submits that it is not the duty of the Commissioner of Police to ensure supply of clean and hygienic milk to the people of Delhi.

4. We requested Mr. Santosh Kumar Tripathi, learned Standing Counsel for GNCTD, who was present in the Court to accept notice for the State. Mr. Santosh Kumar Tripathi, learned Standing Counsel for GNCTD, was gracious enough to accept notice on behalf of State even though it was not

made as a party and now is being impleaded as a party in the writ petition. He submits that let the Petitioner file a representation before the State and that representation, if so filed, would be considered by the State in accordance with law. He also submits that adequate steps are being taken by the State to ensure supply of clean and hygienic milk to the people of Delhi. He submits that proper regulations are already in place to ensure the same.

5. In view of the above, no further Orders are required to be passed in the instant writ petition. The Petitioner is at liberty to file a representation before the State Government (GNCTD). The State Government (GNCTD) shall take appropriate steps to ensure that clean and hygienic milk is provided to the citizens of Delhi and that cattle do not feed on garbage, plastic, papers etc. as this can have a detrimental effect on the quality of milk which is produced by cows and the same can have deleterious effect on the people who consume it.

6. With these observations, the writ petition is disposed of, along with pending application(s), if any.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

MARCH 29, 2023

S. Zakir