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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2669/2013

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..... Petitioner

Through Mr.Shilpi Jain Sharma, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI

..... Respondent

Through Mr.Ajjay Aroraa, Mr.Kapil Dutta and
Mr.Diksha Lal, Advocate for SDMC.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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18.11.2016

The case of the petitioner is that her tractor (Escort 335 attached with a water trolley having registration No.HR-30A-6843, Chassis No.3363930 Engine No.312D-91013) seized by the respondent on 30.11.2011 from B-Block, Radha Krishna Mandir, East of Kailash, New Delhi was an illegal act.

On 08.5.2013 the earlier Bench of this Court had noted that the petitioner who had been offered the tractor had inspected it but on inspection it was found that the parts of the tractor had also been removed and the water trolley had been damaged. On that date, a direction had been given to the respondent to release this tractor in favour of the petitioner.

The grievance of the petitioner is that this tractor has till date not been released. Petitioner was constrained to file a contempt

petition. In the contempt proceedings, (Contempt Case No.637/2013), on 22.08.2013, it had been directed that both the parties i.e. the petitioner and the respondent will be permitted to inspect the tractor before it is released and in fact it was directed that a joint inspection report be prepared before removing of the tractor.

As on date, the tractor is still lying with the respondent. Efforts had been made to get the tractor repaired since it is not a workable condition, petitioner is not able to use it; he is also under great financial constraint as this tractor was his bread-earning medium. In fact a proposal had been put to the respondent that they should get the tractor repaired; it was contained in the order dated 08.09.2016. On 28.09.2016, the respondent had replied that the tractor cannot be made into a workable condition. The contention of the petitioner thus being that this is now a piece of scrap for him.

The fact that this tractor was seized from a parking space is an admitted fact. The vehement contention of the petitioner is that the tyre of the tractor had got punctured and that is why he was constrained to park the tractor at the aforementioned space. The lifting of the tractor by the respondent was not only illegal but thereafter they kept it in their custody for several months before it was finally offered back to the petitioner which was after two years i.e. in August, 2013. It had by then become useless for him. The petitioner has lost his earnings which he was getting by using and ploughing this tractor; he being a farmer by profession.

Learned counsel for the petitioner has also drawn attention of this Court to the joint inspector report carried out by the respondent

wherein on a direction by this Court, the respondent had been requested to inform this Court as to whether the tractor can be made into a workable condition; that joint inspection report had suggested that there will be an expense of Rs.77,000/- on the tractor before it can be made workable. These facts are noted. The age of the tractor is also noted; on the date of its seizure in the year 2011, it had become almost 13 years old; the tractor was of a 1998 model.

Noting all these facts, this Court is of the view that the respondent should compensate the petitioner as it is not because of his fault that he has suffered this loss. The respondent shall pay a sum of Rs.50,000/- as compensation to the petitioner in lieu of this tractor. This amount shall be paid within a period of two weeks.

Petition disposed of in the above terms.

INDERMEET KAUR, J

NOVEMBER 18, 2016

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