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

+ **CONT.CAS(C) 49/2024 & CM APPL. 1969/2024**

SH. RAJESH SINGH

..... Petitioner

Through: Mr. Dhruv Gautam, Adv.
M: 9999818999
Email: dhruv@dhruvgautam.in

versus

**SHEHZAD ALAM SPECIAL COMMISSIONER DEPARTMENT
OF TRANSPORT & ANR.**

..... Respondents

Through: Mr. Karan Bhardwaj, ASG, GNCTD
with Mr. Rajat Gaba & Mr. Shubham
Singh, Advs. M: 9818488194

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
11.01.2024**

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1. The present contempt petition has been filed for initiating contempt proceedings against the respondents for not complying with the order dated 25th April, 2023 passed by the court of learned Metropolitan Magistrate (“MM”)-06, North District, Rohini Courts, Delhi in *Challan No. DL6691230424235711*.
2. It is the case of the petitioner that the respondents are deliberately and willfully violating the directions passed by the learned MM-06, North District, Rohini Courts, Delhi vide its Final Order dated 25th April, 2023 in *Challan No. DL6691230424235711*.
3. It is submitted that despite having valid registration at the time of



seizure, valid Pollution Under Control Certificate (“PUC”) and a valid National Permit for transportation of materials and goods, the petitioner’s vehicle was illegally and arbitrarily seized by the officials of Transport Department, Government of National Capital Territory (“NCT”) of Delhi. Thus, the present contempt petition has been filed.

4. On the other hand, learned counsel appearing for the respondents on advance notice submits that the respondent no.2 ought to be deleted from the array of parties, as he has no role in the matter.

5. Learned counsel appearing for the petitioner submits that he has no objection if respondent no.2 is deleted from the array of parties. In view thereof, upon oral request of learned counsel for the petitioner, respondent no.2 is deleted from the array of parties.

6. Let amended memo of parties be filed within a period of one week from today.

7. Learned counsel appearing for respondents has handed over a copy of order dated 04th January, 2024 passed in *Crl.REV.P.-04/2024*. He submits that the order dated 25th April, 2023 for compliance of which, the present contempt petition has been filed, has not attained finality since the respondent has already filed a Criminal Revision Petition against the said order, as aforesaid.

8. He further draws the attention of this court to the order dated 25th April, 2023, wherein, the order was passed in favour of applicant namely, Shri Satyanarayan son of Ganpat. Whereas, the present petition has been filed on behalf of one Shri Rajesh Singh.

9. Learned Counsel appearing for the petitioner submits that Mr. Rajesh Singh is the owner of the vehicle, while Mr. Satyanarayan is the driver of



the petitioner.

10. In view of the fact that a Criminal Revision Petition, being *Crl.REV.P.-04/2024* has already been filed by respondent against the order dated 25th April, 2023 passed by learned MM-06, North District, Rohini Courts, Delhi, by way of *Crl.REV.P.-04/2024*, it is manifest that the order dated 25th April, 2023 has not attained finality.

11. In view thereof, the present contempt petition is disposed of.

12. However, liberty is granted to the petitioner to revive the contempt petition in case any grievance still survives.

MINI PUSHKARNA, J

JANUARY 11, 2024/kr