



\$~85

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

+ W.P.(CRL) 281/2024 & CRL. M.A. 2548/2024
BADAN SINGH Petitioner

Through: Mr. Ashwani, Advocate.

versus

STATE OF NCT OF DELHI & ORS. Respondent

Through: Mr. Anand V. Khatri, ASC
for the State alongwith SI
Lokendra P.S. S.B. Dairy.
Mr. Vishal Raj Sehij,
Advocate for respondent/
MCD.

Dr. Abhishek Atray,
Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

25.01.2024

1. The present petition is filed under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973, *inter alia*, praying as under :

"1. Issue the Writ of Mandamus directing respondents herein to restore the petitioner's Car (DL8CNB8142) to the place from where it was forcefully taken away from the lawful possession of the petitioner.

2. To quash the impugned letter of Respondent no. 3 (CAQM) Letter no. 11011/07/2021/CAQM-VP-Vol- I I/814(DT), DATED 25/05/2023 to the extent of the assumption of the parked cars deemed to be plying.

3. To quash the impugned removal order dated 22/11/2023 of the Respondent no.2.

4. To direct respondents not to use any bouncers to inflict fear among the senior citizens, ladies, vulnerable sections and other.

5. Award compensation of Rs. 1,00,000 to petitioner towards the mental agony and hardship suffered by the petitioner.

6. Award appropriate cost of petition incurred by the petitioner.

7. Pass any other further order/orders/directions accordingly



as this Hon'ble Court may deem fit and proper in the circumstance of the case in the favour of the petitioners in the interest of justice."

2. The learned counsel for Respondent No.2/MCD submits, on instructions, that the subject vehicle that was removed, in terms of the removal order dated 22.11.2023 passed by the office of Deputy Commissioner, MCD, has already been scrapped.
3. In view of above, no order can be passed in relation to prayers 1, 2, 3 & 4. Insofar as prayer 5 is concerned, the same involves disputed questions of facts and this Court does not consider it apposite to adjudicate the same while exercising its power under Article 226 of the Constitution of India.
4. The petitioner is at liberty to initiate appropriate proceedings for compensation.
5. The learned counsel for the petitioner insists that the prayer 2 seeking quashing of letter dated 25.05.2023, addressed by Director Technical, Commission for Air Quality Management in NCR and Adjoining Areas to Principal Secretary-cum-Commissioner (Transport) Transport Department, Government of NCT, Delhi be adjudicated.
6. It is pointed out to the learned counsel for the petitioner that the said letter was issued pursuant to the orders of learned National Green Tribunal dated 26.11.2014 and 07.04.2015 in OA No. 21/2014, and the subsequent order passed by the Hon'ble Supreme Court dated 29.10.2018 in WP No. 13029/1985. He insists that the said letter dated 25.05.2023 be set aside.
7. This Court finds that entertaining such arguments would be a waste of the precious time of the Court.
8. At this stage, the learned counsel for the petitioner seeks liberty to withdraw the present petition.



9. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to initiate appropriate proceedings, if advised, for compensation.

10. The learned counsel of Respondent No.7 (Nirvana Scrappers) submits that the petitioner can contact the office of Respondent No.7 on any date for collection of the money which is payable to the petitioner.

AMIT MAHAJAN, J

JANUARY 25, 2024

SSC