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

+ **W.P.(C) 2008/2024**

MAKFOOR HUSAIN

..... Petitioner

Through: **Mr. T. Sev Singh, Mr. Bhanu Gulati
and Ms. Ujjawala Gupta, Advs.**

versus

**GOVERNMENT OF NCT OF DELHI THROUGH TRANSPORT
DEPARTMENT & ANR.**

..... Respondents

Through: **Mr. Mohit Bhardwaj, Adv. for Govt.
of NCT of Delhi.**

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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27.03.2024

CM APPL.18533/2024 (Stay) & CM APPL.18557/2024 (for directions)

1. *Vide* order dated 23.02.2024, the present petition was disposed of in the following terms:-

“ORDER

23.02.2024

1. Heard.

2. Notice.

3. Notice on behalf of Government of NCT of Delhi accepted by Mr. Mohit Bhardwaj, Advocate.

4. Learned counsel appearing for the parties fairly submits that the instant writ petition can be disposed of in terms of the policy dated 20.02.2024 which has been framed as per the directions given by this Court in W.P.(C) 10749/2023. They submit that the release of the vehicle in question can take place in terms of the specific instructions in clause 6 and 7 of the said policy.

5. In view of the aforesaid submissions, this Court deems it appropriate to dispose of instant writ petition with the directions to the respondents to consider the release of the vehicle in question in terms of the policy dated 20.02.2024.

6. With the aforesaid directions, the present writ petition, along with pending application, is disposed of.”



2. Pursuant thereto, upon the petitioner approaching the respondents, a letter dated 07.03.2024 came to be issued by the Transport Department, Government of NCT of Delhi, whereby, the petitioner was informed as under :-

*“GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
TRANSPORT DEPARTMENT ENFORCEMENT BRANCH
5/9, UNDER HILL ROAD DELHI-110054.*

No.STF (239)/TPT/2023/53-55

Dated : 07.03.2024

To,

*Sh. Makfoor Hussain,
648, Hindupura, Khera,
Sambhal, Uttar Pradesh -244302.*

Sub:- Regarding Vehicle no. UP 21AN 5990

With reference to the Hon'ble Delhi High Court Order dated 23/02/2024 in the matter W.P.(C) 2008/2024 titled Makfoor Hussain Vs. Govt. of NCT of Delhi through Transport Department &Anr. regarding vehicle no. UP 21AN 5990 wherein Hon'ble High Court directed to release the vehicle in terms of the policy dated 20/02/2024. In this context it is hereby informed that as per para- 8 of the said Policy dated 20/02/2024, Transport vehicles running on diesel fuel and aged more than 10 years old can not be released. Hence, subject vehicle bearing no. UP 21AN 5990 cannot be released under this Rule 8(ii).

This issue with approval of SCOT (Enforcement).

*Sd/-
Enforcement Officer”*

3. The present applications have been necessitated in view of the aforesaid letter inasmuch as the respondents have not acceded to the request of the petitioner to release the petitioner's vehicle in terms of clause 6 and 7 of the policy dated 20.02.2024 and instead invoked clause 8 of the said policy.

4. Learned counsel for the applicant not only refutes the applicability of clause 8 of the policy in question, he also questions the validity thereof and



also the fact that the same cannot be applied retrospectively.

5. After some hearing, learned counsel for the applicant seeks leave to withdraw the present applications with liberty to file a substantive writ petition assailing the actions of the respondents and raising the aforesaid aspects.

6. The present applications are, accordingly, dismissed as withdrawn with liberty as prayed for.

7. Learned counsel for the applicant submits that the applicant shall be filing a substantive writ petition latest within a period of four weeks from today.

8. It is directed that the respondents shall not scrap the petitioner's vehicle for a period of four weeks from today. The same shall be subject to further orders that may be passed in the writ petition proposed to be filed by the applicant.

SACHIN DATTA, J

MARCH 27, 2024/r