



\$~70

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

+ **W.P.(C) 4998/2024**

SUNIL PURI

..... Petitioner

Through: Mr. Jayant Bhatt, Ms. Gargie Bose,
Mr. Sarthak Gupta and Mr. Vipul
Pathak, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Tushar Sannu, Adv. for GNCTD
alongwith Mr. Manoviraj Singh, Adv.
for R-1/GNCTD.
Mr. Vishal Raj Sehijpal, Adv. for
MCD/R-2.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

%

05.04.2024

CM APPL.20411/2024 (Exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4998/2024

1. The present petition has been filed by the petitioner seeking that the MCD be directed to lift, seize or impound the Mercedes car of the respondent no.3 parked at the residential building inside a stilt area of the said building.
2. It is submitted by the petitioner that the vehicle in question is liable to be impounded under the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021.
3. Learned counsel for the respondent/MCD draws attention to a



judgment of this Court in W.P.(C) 10749/2023 and connected matters, wherein, this Court has held that where the vehicles in question are parked in a private parking space, either owned or leased by the owners of the vehicles, then the vehicles in question are not liable to be impounded.

4. The said judgment also clarifies that the private parking space must be one within the premises owned or leased by the vehicle owner, and not a space in a shared parking lot, even if it is part of a residential complex.

5. Learned counsel for the MCD, who appears on advance notice, submits that the vehicle in question has been parked in an area which can said to be a private parking space, and hence in conformance with the policy/ rules.

6. It is the case of the petitioner that the utilisation of the concerned parking space by the respondent no.3, inhibits the petitioner from utilizing his adjoining parking for the purpose of egress and ingress of his vehicle.

7. It is apparent that the grievance of the petitioner is in the nature of a private *lis* with the respondent no. 3, pertaining to utilization of the concerned parking space, which is liable to be resolved in appropriate civil proceedings; the same cannot be agitated in these proceedings under Article 226.

8. In these circumstances, this Court does not find it apposite to entertain the present petition; the same is accordingly dismissed with liberty to the petitioner to pursue its remedies *qua* the respondent no.3 in appropriate proceedings, as may be permissible under law.

SACHIN DATTA, J

APRIL 5, 2024/r