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

+ W.P.(C) 16032/2024
PRABHJOT SODHI

.....Petitioner

Through: Mr. Vishnu Deo Yadav, Advocate.

versus

MUNICIPAL CORPORATION OF DELHI
(GOVT OF NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Akhil Mittal, Ms. Navita
Gupta, Advocates R-1.

Mr. Suresh Chaudhari, Mr.
Madhav Shah, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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20.11.2024

CM APPL. 67388/2024 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

W.P.(C) 16032/2024 & CM APPL. 67389/2024 (stay)

1. The petitioner has filed this petition under Article 226 of the Constitution, seeking a direction upon the respondents to release his vehicle bearing registration No. UP80CB5693, seized by the respondent No. 1 – Municipal Corporation of Delhi ["MCD"] on 05.11.2024.
2. A copy of the registration certificate of the vehicle issued by the Transport Department, Regional Transport Office, Agra, has been annexed to the writ petition, which shows that the vehicle is a diesel vehicle registered in the year 2012, i.e., more than ten years of age. The



vehicle, therefore, qualifies as an “*end of life vehicle*” under the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021. Plying of such vehicles in the National Capital Territory of Delhi [“NCTD”] is impermissible under the orders of the National Green Tribunal dated 07.04.2015 in O.A. 21/2014 [*Vardhaman Kaushik & Ors. vs. Union of India*] and the order of the Supreme Court dated 29.10.2018 in W.P.(C) 13029/1985 [*M.C. Mehta vs. Union of India & Ors.*].

3. Pursuant to a order of this Court dated 22.08.2023 in W.P.(C) 10749/2023 and connected matters [*Ms. Seema Chopra vs. Govt. of NCT of Delhi and Ors. & connected matters*], the Government of NCTD has issued “*Guidelines For Handling End of Life Vehicles in Public Places of Delhi, 2024*” on 20.02.2024 [“the Guidelines”]. The Guidelines provide for release of vehicles to owners who wish to shift their vehicles outside NCTD, and for release of vehicles to those who wish to park their vehicles in private spaces, subject to various conditions laid down therein. The procedure in respect of vehicles which are registered outside NCTD, as in the present case, has also been outlined in paragraph 7 of the said Guidelines.

4. The petitioner has not sought release of the vehicle in terms of the Guidelines. In these circumstances, it is unnecessary to entertain the writ petition at this stage. The petitioner is at liberty to approach the administrative authorities in terms of the Guidelines, and he may reagitate his grievance before the Court, if they remain unredressed.

5. Learned counsel for respondent No. 2, which is the registered scrapping agency, who appears on advance notice, states that under the Guidelines, the application for release of the vehicle has to be made



within three weeks of seizure, and the vehicle is not scrapped for a further period of one week. As there is sufficient time for the petitioner to make this application in terms of these Guidelines, no further orders are necessary in this writ petition.

6. The writ petition, alongwith the pending application, is disposed of in these terms.

PRATEEK JALAN, J

NOVEMBER 20, 2024

“Bhupi/JM”/