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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3938/2024, CRL.M.A. 37992/2024 & CRL.M.A. 37993/2024
PARVINDER SINGH RATHEEPetitioner

Through: Appearance not given.
versus

STATE & ORS.Respondents
Through: Mr. Sanjeev Bhandari, ASC along
with Ms. Charu Sharma, Mr. Arjit
Sharma and Mr. Nikunj Bindal,
Advocates for the State.

CORAM:
HON'BLE MR. JUSTICE CHANDRA DHARI SINGH
ORDER
18.12.2024

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1. By way of instant writ petition under Article 226 of the Constitution of India read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner seeks the following relief:-

“(a) Issue an appropriate Writ against the respondents and in favour of the petitioner to not interfere with the constitutional right of the petitioner to earn his livelihood which is a constitutional right and the acts of the respondents are in violation of the same;

(b) Issue of a writ of mandamus or a writ of any other nature or direction to the Respondent No.1 to inquire into the arrest memos and personal search memos as filed along with the present petition and check the veracity of the allegations levelled in the said memos and FIRs as this Hon’ble Court may direct and;

(c) Issue a Writ in the nature of Mandamus against the Respondent Nos. 2 to 4 and direct them to not intimidate and harass the petitioner and his employees (drivers) while carrying out his contractual obligations and duties under the services agreement which are also his livelihood;

(d) Issue appropriate directions and order inquiry into the



illegal and malafide actions of the Respondent Nos. 2 to 4 who have been abusing their power and authority by availing services of the petitioner without making payments and further coercing the petitioner and his employees with regular illegal arrests and seizures of his vehicles from the place of work i.e. the IGI Airport Terminal;

(e) Direct the Respondent Nos. 2 to 4 to make the outstanding payments of the Petitioner for the services availed by them by coercing and pressuring the petitioner;

(f) Pass any such other/ further writ of any nature, direction, order as this Hon'ble Court may deem fit in the facts and circumstances of the case."

2. The brief facts of the case are that the petitioner provides car rental services at different locations in India including the Indira Gandhi International Airport (hereinafter "IGI Airport"). It is alleged that the respondent nos. 2 to 4, who are police officers deployed at the IGI Airport, employed the petitioner's vehicles for personal use and no compensation was paid to the petitioner for the said services. When the petitioner demanded payment for the said services, it is alleged that he was harassed by the said police officers by way of confiscation of petitioner's vehicles, arbitrary detentions and *mala fide* registration of multiple FIRs against the petitioner. Aggrieved by the same, the instant writ petition has been filed by the petitioner before this Court.

3. Learned counsel appearing on behalf of the petitioner, on instructions, submitted that the petitioner does not want to press the instant writ petition and seeks an innocuous prayer to approach the concerned authority for the expeditious disposal of his case. For this purpose, the petitioner prays that either the instant petition may be treated as a representation or he may be allowed to file a fresh application/representation before the DCP, IGI



Airport concerned and prayed that the DCP, IGI Airport may preserve the CCTV footage of the IGI Airport.

4. *Per Contra*, the learned ASC appearing on behalf of the State vehemently opposed the instant petition, but has no objection to the innocuous prayer made on behalf of the petitioner.

5. Heard learned counsel for the parties and perused the materials placed on record.

6. Upon perusal of the record, in view of the contentions made in the petition as well as the innocuous prayer made on behalf of the petitioner and no objection from the learned APP for the State, this Court is inclined to allow the said innocuous prayer of the petitioner.

7. The petitioner is at liberty to place the instant petition along with the accompanying applications before the DCP, IGI Airport by tomorrow. On receiving the said petition, the DCP concerned shall consider it as a representation from the petitioner. It is directed that after giving the opportunity of hearing to the petitioner, the DCP concerned shall pass a speaking order expeditiously, preferably within four weeks. The DCP concerned is also directed to take a decision regarding the prayer of the petitioner for the preservation of the CCTV footage of the IGI Airport at the earliest in accordance with the law. It is made clear that if any other document(s) is required by the concerned authority for proper adjudication of the prayer, the petitioner shall be given reasonable time to file the same.

8. With the aforesaid directions, the petition stands disposed of.

CHANDRA DHARI SINGH, J

DECEMBER 18, 2024/Rk/st

[Click here to check corrigendum, if any](#)