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

+ **W.P.(C) 3061/2024 CM APPL. 12587/2024**

NASIRUDDIN SIDDIQUE

.....Petitioner

Through: Ms.Kajal S.Gupta and Ms.Somesa
Gupta, Advocates

versus

MUNICIPAL CORPORATION OF DELHI & ORS...Respondents

Through: Mr. (*appearance not given*) Advocate
for respondent/MCD.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

ORDER

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24.01.2025

1. The learned counsel appearing on behalf of the petitioner submits that the only question survives for consideration is in regard to the petitioner's leave seeking release of the goods which, according to the petitioner, were confiscated by the MCD. He states that 150 bags worth ₹38,000/- were unlawfully confiscated by the MCD on 22.09.2023.

2. The present petition was taken up before this court on 29.02.2024 and a statement was made on behalf of the learned counsel for the MCD that in the context of confiscation of goods, no notice could be issued before any such action, as the street vendors abandoned the spot. She also stated that the videography was done. In this view, the court directed the MCD to file the counter affidavit. Relevant paragraph 9 of the said order reads as under:

“9. In so far as the prayer qua the release of goods is concerned, it is disputed whether the process as required under the Delhi Street Vendors (Protection of Livelihood and



Regulation of Street Vending) Act, 2014 or Delhi Municipal Corporation Act, 1957, was followed or not. According to the learned counsel for the respondents, no notice could be issued to the street vendors who have virtually abandoned the spot. However, he submits that videography was done. Let the counter-affidavit to this effect be filed by the respondent within two weeks from date. The counter-affidavit shall include the copy of the videography conducted during seizure of the goods in question.”

3. The MCD has filed its counter claiming that no goods of the petitioner were confiscated and a reply to the letter dated 01.03.2024 to the said effect, was sent to the petitioner. A copy of the said letter was also enclosed with the counter affidavit.
4. The learned counsel for the petitioner disputes the said statement. The petitioner claims that the said letter dated 01.03.2024 was not sent by the MCD at the material time and in fact, the petitioner's goods were confiscated as claimed.
5. It is clear from above that the controversy involves disputed question of facts and this court cannot determine, if the goods have been confiscated as alleged.
6. The learned counsel for the petitioner fairly states that the petitioner would be satisfied, if opportunity is granted to the petitioner to inspect the location where the confiscated goods were kept. If it is found that certain goods of the petitioner are available at the said site, the petitioner would point out the same to the concerned officer who would verify and release the same to the petitioner.
7. The learned counsel for the MCD raises objection to the said submissions of the learned counsel for the petitioner.



8. In view of the above, we dispose of the present petition directing the petitioner to approach Assistant Commissioner, Shahdara, North Zone, Municipal Corporation, Delhi - 110032 for inspection of the goods that were seized on the date as mentioned. The concerned officer shall facilitate the same and the petitioner may identify the goods belonging to him. The concerned officer shall verify the same with reference to date on which the said goods were confiscated. If the petitioner's claim is accepted, the goods would be released to him.

VIBHU BAKHRU, J.

ANOOP KUMAR MENDIRATTA, J.

JANUARY 24, 2025/v

Click here to check corrigendum, if any