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

+ **W.P.(C) 2636/2025**

PREM PRADEEP

.....Petitioner

Through: Mr. Vishnu Deo Yadav, Advocate.

versus

DELHI TRAFFIC POLICE AND ANR

.....Respondents

Through: Mr. JPN Shahi and Mr. Divyanshu Kumar, Advocate for R1.

T.I. Youdh Bir Singh and ASI Devender Singh, Badarpur.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **04.03.2025**

CM APPL. 12543/2025

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India seeking release of his vehicle bearing no. HR-46D-5428, which is an "End of Life Vehicle" and goods carrier and was seized by the staff of Delhi Traffic Police vide seizure memo dated 12.02.2025.
4. Issue notice.
5. Mr. JPN Shahi, learned counsel accepts notice on behalf of Respondent No.1.
6. Learned counsel for the Petitioner submits that the vehicle in question



is a goods carrier and a diesel vehicle which is more than 10 years of age and admittedly falls within the definition of 'End of Life Vehicles' under the Motor Vehicles (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 ('Rules of 2021') and was seized on 12.02.2025. Petitioner immediately moved an application to release the vehicle assuring that he is willing to furnish any undertaking or affidavit required for release of the vehicle, however, the vehicle was handed over to the scrapper and not released.

7. Learned counsel for Respondent No.1 submits that the vehicle is a goods carrier and cannot be released in view of embargo in Clause 8(ii) of the "*Guidelines for Handling End of Life Vehicles in Public Places of Delhi, 2024*" ('2024 Guidelines'). Reliance is placed on an order dated 24.01.2025 passed by a Coordinate Bench in CrI.M.C. No.467/2025 declining to release the vehicle involved in that case being a transport vehicle, due to a bar under Clause 8(ii) of the 2024 Guidelines.

8. Having heard learned counsels for the parties, I find merit in the submissions made on behalf of the Petitioner. Coordinate Bench of this Court in a batch of writ petitions, one of them being '***Sunil Rathore v. Govt. of NCT of Delhi and Anr.***', W.P. (C) No. 3124/2024 decided on 29.05.2024 has held Clause 8(ii) to be violative of Article 14 of the Constitution of India. Operative part of the judgment is as follows: -

"19. The 2024 Guidelines have been framed pursuant to the aforesaid directions. Clause 6 and 7 of the said Guidelines prescribe the procedure for releasing the impounded vehicles. Clause 8 contemplates that a category of impounded vehicles which cannot be released.

20. A perusal of the instruction/ guidelines incorporated in Clause 8(ii) leads to an inevitable conclusion that the categorization/distinction sought to be made between diesel transport vehicles and other diesel vehicles has no statutory basis. The same is also not borne out from the order/s of the



NGT. To restrict a particular class of vehicles from being released is manifestly arbitrary and discriminatory. The guidelines do not disclose the basis or rationale for creating such a dispensation. The attempt on the part of learned counsel for the respondents to find/cite justification for the differential treatment accorded to one particular class of vehicles, cannot be countenanced, when the policy/ guidelines itself does not disclose the basis thereof.

21. It is well settled that courts can examine a policy of the Government to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary. [Directorate of Film Festivals v. Gaurav Ashwin Jain, (2007) 4 SCC 737, para 16]

22. Once vehicles have been classified on the basis of type of fuel/pollution emissions - diesel vehicle more than 10 years old and petrol vehicle more than 15 years old - and certain rights/obligations have been imposed thereon, there is no intelligible differentia, discernable from the guidelines, in prescribing a further sub-classification of the diesel vehicles on the basis of the vehicle being a transport vehicle or otherwise. Such exclusion of one sub-category of vehicles from Clause 6 and 7 is impermissible, especially when the excluded sub-category belongs to the same genus. In Union of India v. N.S. Rathnam, (2015) 10 SCC 681, it has been held as under:

“12 ...When the exemption is granted to a particular class of persons, then the benefit thereof is to be extended to all similarly situated persons. The notification has to apply to the entire class and the Government cannot create sub-classification thereby excluding one sub-category, even when both the sub-categories are of same genus. If that is done, it would be considered as violating the equality clause enshrined in Article 14 of the Constitution. Therefore, judicial review of such notifications is permissible in order to undertake the scrutiny as to whether the notification results in invidious discrimination between two persons though they belong to the same class.”

23. The NGT in its orders (supra) was specifically dealing with air pollution caused in Delhi by diesel trucks aged more than 10 years. It was observed that trucks are a serious contributor to air pollution. At the same time, it was observed that these vehicles could be sent outside to areas where air dispersion is much higher and vehicular density is less. The dispensation created under Clause 6 and 7 of the 2024 Guidelines, to release the impounded diesel vehicles (for first time violation) on certain conditions will necessarily include the transport vehicles running on diesel fuel. To hold otherwise, will be violative of Article 14 and unreasonably deprive the petitioners' of their right to property.



24. As noticed above, orders passed by NGT were intended to address the issue of vehicular air pollution in Delhi. The said orders contemplate a classification of vehicles on the basis of type of fuel/emission caused by the vehicle. Diesel vehicles are stated to be more polluting than petrol vehicles. However, NGT noted that these vehicles can be plied outside Delhi subject to certain conditions. In fact, the NGT directed the authorities to issue NOC for such vehicles (diesel vehicles aged 10 years but below 15 years) to be registered outside Delhi. In *Seema Chopra* (supra), this court observed that where the vehicle is registered outside Delhi and can be legally plied there, GNCTD can have no objection to the release of such vehicles for removal to other states. In said conspectus, the classification created under Clause 8(ii), which purports to exclude transport vehicles running on diesel fuel from ambit of Clause 6 and 7, has no rational nexus with object of the 2024 Guidelines.

25. Consequently, Clause 8(ii) of the 2024 Guidelines is held to be violative of Article 14, and not in consonance with law.”

(emphasis supplied)

9. This Court in W.P.(C) 2153/2025 titled ***Ashpal Singh Bhullar vs. Govt of NCT of Delhi & Ors.***, decided on 24.02.2025, following the aforementioned judgment directed release of the transport vehicle which was a diesel vehicle over 10 years of age. In view of the two judgments, Petitioner is entitled to release of the vehicle in question, subject to his furnishing an undertaking to the Transport Department within three weeks from today, in the required format and in consonance with directions of this Court in ***Seema Chopra v. Govt. of NCT of Delhi and Others, 2023 SCC OnLine Del 8687***, that he will not ply the vehicle in question on the streets of National Capital Territory of Delhi and/or park the same in any public space in Delhi and that he shall remove the vehicle outside NCT of Delhi by towing or any other means, except by plying the same on the streets of Delhi. Once the undertaking is furnished, subject to completion of any other formality, vehicle in question shall be released within two weeks. Post the release of the vehicle, the same shall be taken out of NCT of Delhi and an



undertaking will be filed to this effect that the vehicle has been removed from NCT of Delhi and will not be brought back. It is further directed that till the entire exercise is completed and the vehicle is released, Respondent No. 2/scrapper will not scrap the vehicle and keep the same in safe custody.

10. Writ petition stands disposed of in the aforesaid terms.

JYOTI SINGH, J

MARCH 4, 2025

S.Sharma