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

+ **W.P.(C) 16984/2024 and CM APPL. 71914/2024**

PRABHAT KUMAR

.....Petitioner

Through: Mr. Suresh Chaudhari and Mr.
Madhav Shah, Advocates.

versus

**MUNICIPAL CORPORATION OF DELHI
& ANR.**

.....Respondents

Through: Mr. Sunil Goyal, Additional Standing
Counsel with Mr. Nitin Kala and Mr. Rachit
Gupta, Advocates for R1.
Mr. Akbar Siddiqui and Mr. Parv K. Garg,
Advocates for R2.

**CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER
24.01.2025**

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1. This writ petition is preferred on behalf of the Petitioner under Article 226 of the Constitution of India directing the Respondents to release vehicle bearing no. DL-2CB-4082 to the Petitioner which was seized by Respondent No.1 vide order dated 16.10.2024 and handed over to the scrapper/ Respondent No.2.
2. It is the case of the Petitioner that his vehicle Maruti 800 bearing No. DL-2CB-4082 was impounded on 07.06.2022 being an 'End of Life' Vehicle. Petitioner filed writ petition being W.P. (C) No. 11254/2022 for release of the vehicle, which was allowed on 22.08.2023 directing release of the vehicle subject to Petitioner filing an affidavit before the Enforcement



Officer, Department of Transport, GNCTD within two weeks undertaking that if the vehicle was released, he will not ply the same on the streets of Delhi or park in any public space within NCT of Delhi *albeit* it could be parked in a private parking space. Along with the affidavit, Petitioner would produce evidence of availability of private parking space either owned or leased or accompanied by a consent letter of the owner or lessee permitting him to park his vehicle indefinitely in the private parking space with a further rider that the parking space must be one within the premises owned or leased by the vehicle owner and not a shared parking lot. Respondents were directed to verify the parking space and on due verification and filing of undertaking the vehicle was to be released.

3. It is averred in the writ petition that in compliance with the directions of this Court, Petitioner submitted an undertaking on 06.09.2023 and requested for release of the vehicle. Finally, after running from pillar to post, the scrapper/Respondent No.2 herein released the vehicle and Petitioner got possession of the same on 04.10.2024. However, the car was in a damaged condition and badly rusted and therefore, the Petitioner, who has sentimental attachment with the vehicle, towed the same to a nearby car garage located approximately 50 metres from MCD office for repair and denting and painting. Without inquiring into the reason for the car being parked at the workshop, the Licensing Inspector again impounded the vehicle on 16.10.2024 on the pretext that it was parked at a public space, which was wholly incorrect, compelling the Petitioner to again approach this Court.

4. Learned counsel for the Petitioner submits that Petitioner had no intention to violate the undertaking given to this Court and only because the car was in a damaged condition having been parked with the Scrapper over



two years, he had taken the same for repair, etc., only to be parked in a private parking space that he owns. It is submitted that Petitioner will again file an undertaking that he will not ply the vehicle on the streets of Delhi or park in any public space within NCT of Delhi and the vehicle will remain parked in his parking space. Petitioner is a Senior Citizen and the only reason to keep the vehicle is because of his sentimental attachment with the same. Learned counsel further states that in case there is any violation of the undertaking, Petitioner will willingly deposit a penalty of Rs.50,000/- with the Transport Department.

5. Learned counsel for Respondent No.2 has no objection to the release of the vehicle in question. Learned ASC for MCD, on instructions, submits that if the Petitioner furnishes an undertaking to park the vehicle in his private parking space and not to ply the same on the streets of Delhi or park in a public space, MCD will have no objection to the release of the vehicle. An undertaking must be furnished by the Petitioner in terms of the directions issued by the Court in the earlier writ petition and any violation will be strictly viewed by MCD.

6. Petitioner's vehicle was seized by the MCD as admittedly it was an 'End of Life' Vehicle. Pursuant to direction of this Court in W.P. (C) No. 11254/2022, Petitioner furnished an undertaking and his vehicle was released but again impounded on 16.10.2024 as it was found parked in a garage/workshop. Petitioner avers in the writ petition that the vehicle was in a severely damaged condition and he had taken the same only for a limited purpose of repairing/denting/painting, etc. Considering that the vehicle was in the possession of the scrapper for nearly two years, there may be truth in the stand of the Petitioner that he had taken the car for repairs, etc. Be that as



it may, being an ‘*End of Life*’ Vehicle, Petitioner cannot ply the vehicle on the streets of Delhi or park the same in a public space as per *Guidelines for Handling End of Life Vehicles in Public Places of Delhi, 2024* dated 20.02.2024.

7. Accordingly, this writ petition is allowed in the aforesaid terms directing Respondent No.2 to release the vehicle of the Petitioner being Maruti 800 bearing No. DL-2CB-4082 subject to his filing an undertaking on a stamp paper before the Respondents in terms of the directions issued by the Court in W.P. (C) No. 11254/2022. Petitioner will ensure that the vehicle remains in his private parking space and it is made clear that in case of any violation of the undertaking and/or the aforementioned guidelines, MCD will be free to take action as per law. Undertaking given on behalf of the Petitioner that if the vehicle is found in the public space or plying on the streets of Delhi, he would be liable to pay penalty, is taken on record. Upon filing of the undertaking and due verification, vehicle will be release within two weeks. Towing/parking charges will be paid as per the guidelines and/or earlier directions of this Court in a batch of petitions one of them being W.P. (C) No. 11254/2022.

8. Petition is disposed of along with the pending application.

JYOTI SINGH, J

JANUARY 24, 2025/jg