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

Judgment Reserved on: 08.07.2026

% ***Judgment Delivered on: 24.08.2026***

**CNR NO. DLHC010284742026**

+ **LPA 479/2026 & CM APPL. 41718/2026**

NITIN SARNA .....Appellant

versus

DEPARTMENT OF TRANSPORT .....Respondent

Advocates who appeared in this case

For the Appellant : Appellant-in-person.

For the Respondent : Ms. Astha Gupta, Advocate.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJAS KARIA

JUDGMENT

TEJAS KARIA, J

1. The present *intra-court* Appeal is directed against the order dated 24.04.2026 ("**Impugned Order**") passed in W.P. (C) No. 5558/2026 ("**Writ Petition**"), whereby the learned Single Judge dismissed the Writ Petition filed by the Appellant.

FACTUAL MATRIX

2. The factual matrix leading to the filing of the present Appeal is as under:

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2.1. On 02.12.2024, an eighteen-year-old vehicle bearing Registration No. MH 12 DP 3531 ("**Vehicle**"), belonging to the Appellant and parked on a public street, was seized by the Respondent on the ground that it constituted an '*End of Life Vehicle*' ("**ELV**") under the Motor Vehicle (Registration and Functions of Vehicle Scrapping Facility) Rules, 2021 ("**RVSF Rules, 2021**"). A seizure memo was executed, recording that the Appellant would receive the scrap value of the Vehicle directly from the Registered Vehicle Scrapping Facility ("**RVSF**"), calculated in accordance with the Office Memorandum dated 23.01.2023 issued by the Ministry of Steel, Government of India.

2.2. Thereafter, the Appellant by email dated 04.12.2024 addressed to the Respondent stated that the seizure of the Vehicle was unjustified, as the Vehicle had remained stationary in front of the Appellant's residence and had not been used for the preceding four years. It was further stated that the Vehicle was not contributing to environmental pollution and had been retained by the Appellant as a sentimental family possession. The Appellant, accordingly, requested that the Vehicle be restored to the place from where it had been removed by the Respondent. The said request was reiterated by the Appellant through further emails dated 09.12.2024, 11.12.2024 and 17.12.2024 addressed to the Respondent.

2.3. The Appellant, thereafter, instituted W.P. (C) No. 681/2026 before the learned Single Judge, seeking a direction to the Respondent for

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release of the Vehicle. *Vide* order dated 28.03.2026 passed in W.P. (C) No. 681/2026, the learned Single Judge recorded the statement made by learned counsel appearing for the Respondent therein that the Vehicle had already been scrapped. The learned Single Judge accordingly disposed of W.P. (C) No. 681/2026, granting liberty to the Appellant to initiate appropriate proceedings in accordance with law for seeking compensation.

2.4. Subsequently, on 22.04.2026, the Appellant filed the Writ Petition seeking compensation from the Respondent quantified as Rs. 14,344,500/- (Rupees One Crore Forty Three Lakhs Forty Four Thousand and Five Hundred Only, net of all applicable taxes) for the mental agony, prolonged effort, and harassment due to the unjust seizure, detention, and scrapping of the Vehicle.

2.5. By the Impugned Order, the learned Single Judge dismissed the Writ Petition, holding as under:

> *"8. Having heard counsel for the parties, in the opinion of this Court, the present writ petition raises disputed questions of fact and whether the petitioner is entitled to any compensation. The quantum of loss would have to be proved by leading evidence, which exercise cannot be undertaken in the present writ petition.*
>
> *9. The earlier writ petition was disposed of giving liberty to the petitioner to initiate appropriate proceedings in law to seek compensation.*
>
> *10. Clearly, the appropriate proceedings for seeking compensation would have been a civil suit and not a writ petition.*
>
> *11. Accordingly, the present writ petition is dismissed."*

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2.6. Accordingly, being aggrieved by the Impugned Order the Appellant has preferred the present Appeal.

SUBMISSIONS ON BEHALF OF THE APPELLANT

3. The Appellant-in-person made the following submissions:

3.1. The seizure and scrapping of the Vehicle, without prior notice, without affording an opportunity of hearing, and without considering the representations submitted by the Appellant, was in violation of the principles of natural justice and amounted to arbitrary State action infringing Articles 14, 21 and 300A of the Constitution of India, 1950 ("**Constitution**"). It was, therefore, submitted that the Writ Petition filed by the Appellant seeking public law compensation was an appropriate remedy.

3.2. The Vehicle had remained stationary and unused for the preceding four years and, therefore, did not constitute an active source of pollution. The mere fact that a non-polluting, eighteen-year-old vehicle was parked on a public street could not extinguish the constitutionally protected property rights of its owner under Article 300A of the Constitution. The Respondent, according to the Appellant, mechanically applied the policy governing seizure and scrapping of ELVs without examining the peculiar facts of the Appellant's case and without undertaking any case-specific assessment.

3.3. The present case did not involve any disputed questions of fact warranting a civil trial, since the Respondent had admitted the seizure and subsequent scrapping of the Vehicle. According to the

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Appellant, the only surviving issue was the legality of the Respondent's action and the consequential entitlement to compensation. The learned Single Judge, therefore, erred in holding that the appropriate proceeding for seeking compensation would be a civil suit and not the Writ Petition.

3.4. The Respondent's action of seizing and scrapping the Vehicle, *inter alia*, on the ground that the Appellant had allegedly failed to furnish an undertaking as required under the '*Guidelines for Handling End of Life Vehicle in Public Place, 2024*' dated 20.02.2024 ("**Guidelines**"), was unjust. The State could not rely upon delegated legislation, including the Guidelines and the RVSF Rules, 2021, to bypass the principles of natural justice and constitutional safeguards.

3.5. The unilateral and irreversible scrapping of the Vehicle had rendered its restoration impossible and, in circumstances where the injury was irreversible, the remedy of a civil suit was illusory and inefficacious.

3.6. In cases involving constitutional torts, the remedy of a civil suit is in addition to, and not in substitution of, the writ court's power to award immediate monetary compensation for violation of constitutional rights.

3.7. A civil suit involves a protracted adjudicatory process comprising several procedural stages, whereas a writ petition enables immediate judicial review of the Respondent's allegedly unjust, unconstitutional and arbitrary action.

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Signing Date:24.08.2026 21:06:57

3.8. Once the illegality of the seizure and scrapping of the Vehicle was established, the burden ought to rest upon the Respondent to justify why compensation should not be awarded. By dismissing the Writ Petition, the learned Single Judge, according to the Appellant, erroneously placed the burden upon the Appellant to establish the extent of loss in a civil court, thereby ignoring the doctrine of strict liability for unconstitutional State action.

3.9. The compensation claimed by the Appellant was not confined to the market value of the Vehicle, but also included damages on account of mental agony, effort, deprivation of rights and harassment allegedly caused by the seizure and destruction of the Vehicle, assessed across twenty-five parameters.

3.10. Reliance was placed on ***Smt. Gunwant Kaur v. Municipal Committee, Bhatinda***, (1969) 3 SCC 769; ***ABL International Ltd. v. Export Credit Guarantee Corporation of India Ltd.***, (2004) 3 SCC 553; ***State of Gujarat v. Memon Mahomed***, (1967) 3 SCR 738; ***Godavari Sugar Mills Ltd. v. State of Maharashtra***, (2011) 2 SCC 439; and ***Express Newspapers (P) Ltd. v. Union of India***, (1986) 1 SCC 133, to submit that compensation under Article 226 of the Constitution may be awarded where State action results in infringement of constitutional rights.

3.11. Reliance was placed on ***Chairman, Railway Board v. Chandrima Das*** (2000) 2 SCC 465 to submit that the relief of compensation can be granted under public law for a violation of the Right to Life which includes the Right to Live with dignity and that the Supreme

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Court in ***Chandrima Das*** (*supra*) affirmed that the High Court could award monetary compensation in a writ petition as a public law remedy for the violation of fundamental rights.

3.12. Therefore, in view of the above submissions, the Impugned Order deserves to be set aside, and the Respondent be directed to pay compensation for the irreversible destruction of the Vehicle.

ANALYSIS AND FINDINGS

4. We have heard the Appellant-in-person and perused the material placed on record. The principal grievance urged by the Appellant is that the learned Single Judge ought to have exercised jurisdiction under Article 226 of the Constitution and awarded compensation in respect of the seizure and subsequent scrapping of the Vehicle by the Respondent, instead of holding that the appropriate remedy for seeking compensation would lie in a civil suit and not in a writ petition.

5. The Appellant contended that, in view of the admitted destruction of the Vehicle by the Respondent and the alleged violation of Articles 14, 21 and 300A of the Constitution, the present case warranted the grant of compensation in exercise of writ jurisdiction.

6. We note that the seizure and scrapping of ELVs is governed by the RVSF Rules, 2021 and the Guidelines. Clause 3 of the Guidelines provides that ELVs found plying or parked in a public place are liable to be impounded or seized and, thereafter, handed over to an RVSF. Clauses 6 and 7 of the Guidelines prescribe the procedure governing release of such impounded or seized vehicles. Clause 9 of the Guidelines further contemplates a mechanism for seeking release of such vehicles upon

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Signing Date:24.08.2026 21:06:57

submission of an application, and provides that where no application for release is made within the stipulated period, or where such application is rejected, the vehicle shall be scrapped. The relevant clauses of the Guidelines are extracted hereinbelow:

> *"**2. <u>IN THE GUIDELINES, UNLESS THE CONTEXT OTHERWISE REQUIRES</u>:-***
>
> *(vii) "Enforcement Agency" means Delhi Traffic Police, Municipal Corporations, New Delhi Municipal Council, CEO, Cantonment Board and Transport Department Govt. of NCT of Delhi.*
>
> *(viii) "End of life Vehicles" means all vehicles which are no longer validly registered or their registration has been cancelled under Chapter IV of the Act or due to an order of a court of Law."*
>
> *xxxxx xxxxxx xxxxxx*
>
> *"**3. <u>ENFORCEMENT DRIVE</u>***
>
> *(i) The enforcement agency should conduct continuous enforcement drives for phasing out End of Life Vehicles from public places of Delhi and should send a daily report to department of Environment for onward submission to CAQM.*
>
> *(ii) End of Life Vehicles found plying or parked in public place will be impounded/Seized by the enforcement agency and shall be handed over a Seizure memo at the time of seizure as in Annexure -I.*
>
> *(iii) As per Clause (vi) of sub-rule 1 under Rule 10 of the RVSF rules 2021, "Vehicles impounded by an enforcement agency shall be handed over to the RVSF (registered scrapping facility), if they meet the criterion of vehicle scrapping as provided under Rule 8 which is de-registered End of Life Vehicles."*
>
> *xxxxx xxxxxx xxxxxx*
>
> *"**7. <u>PROCEDURE IN RESPECT OF VEHICLES (Registered Outside Delhi-NCR)</u>***
>
> *(i) On plying and parking of vehicles which are diesel vehicle more than 10 years old and petrol vehicle more than 15 years old in*

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public place, and registered outside Delhi-NCR, the following procedure, should be followed:

a) An undertaking from the registered owner explaining the reason of presence of such vehicle which is already banned in NCT of Delhi along with the confirmation that the vehicle will not enter into the territory of NCT of Delhi.

b) A copy of the Registration Certificate of the vehicle.

c) In the case of 4-wheeler, a penalty of Rs 10,000 shall be charged.

d) In the case of 2-wheeler, a penalty of Rs 5,000 shall be charged.

e) In case the penalty amount is not paid on the spot by the vehicle owner, the first offence shall be recorded by the Transport department in the online portal, and the vehicle will be blacklisted. It will be removed only when the challan/penalty amount is paid by the vehicle owner.

(ii) In the case of the second offence by the same vehicle, the vehicle shall be impounded and sent to the scrapping unit."

xxxxx xxxxxx xxxxxx

"***9. <u>SCRAPING OF IMPOUNDED VEHICLES:</u>***

(i) The application for releasing of vehicle along with necessary documents should be submitted within 3-weeks of impounding of vehicle, upon which enforcement agency shall give decision within one week of such submission.

(ii) An online platform will be developed for this purpose to facilitate the process between enforcement agency, RVSFs and Vehicle owner.

(iii) The vehicle will be scrapped in three scenarios:

a) Non-submission of application of release of vehicle within 3 weeks of impounding of vehicle.

b) Rejection of application submitted for release of vehicle to the enforcement agency.

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Signing Date:24.08.2026 21:06:57

> *c) In case of impounding of the same vehicle for the second time along with legal proceedings under the provisions of MV Act 1988, CMVR Rules 1989, DMVR Rules 1993 & its amendments and RVSF Rules 2021 & its amendments for not abiding by the undertaking.*"

7. Consequently, the legality of the Respondent's action must be examined in the context of the statutory framework governing the seizure, release and scrapping of ELVs. In the present case, the Appellant has not placed any material on record to demonstrate that he availed of the mechanism contemplated under the Guidelines for release of the Vehicle. It is also not the Appellant's case that the RVSF Rules, 2021 or the Guidelines are unconstitutional.

8. The Appellant's claim for compensation rests upon the nature and condition of the Vehicle and the loss allegedly occasioned by the action of scraping of the Vehicle by the Respondent without following due process of law.

9. Further, the compensation claimed by the Appellant is not limited to the scrap value of the Vehicle. The Appellant has sought compensation, *inter alia*, under several distinct heads, including damages for the destruction of an allegedly high-value, well-maintained and antique personal possession, alleged defamation and reputational injury, and further punitive and exemplary damages.

10. For grant of compensation as claimed by the Appellant, it would be necessary to determine whether the Respondent acted in conformity with the statutory framework governing the seizure, release and scrapping of ELVs. It would also be required to determine whether the Vehicle was lawfully seized and, thereafter, scrapped on account of the Appellant's failure to

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furnish the requisite undertaking. Further, it would also be necessary to determine whether the Appellant has suffered the mental agony and harassment due to the seizure, detention, and scrapping of the Vehicle.

11. Such determinations would necessarily require an examination of evidence and rival factual assertions concerning the alleged non-compliance by the Respondent with the procedure prescribed under the Guidelines and the RVSF Rules, 2021, as well as the alleged failure on the part of the Appellant to furnish the requisite undertaking. The Appellant would also be required to establish the basis for the quantification of the compensation claimed. It is well settled that such disputed questions of fact cannot ordinarily be adjudicated in exercise of writ jurisdiction, and that the appropriate remedy would be to institute a civil suit before a court of competent jurisdiction.

12. As regards the submission of the Appellant that a civil suit is a protracted remedy, whereas a writ petition affords immediate judicial review of the Respondent's allegedly unjust, unconstitutional and arbitrary action, it is well settled that the discretionary jurisdiction under Article 226 of the Constitution is not to be exercised merely on the ground of inconvenience or because the alternative remedy may be time-consuming. Such considerations do not justify bypassing the ordinary civil remedy available in law for seeking award of compensation.

13. The reliance placed by the Appellant on the principles relating to constitutional tort, public law compensation, and the judgments cited in support of his submissions does not advance the case of the Appellant. While there can be no quarrel with the proposition that the High Court may,

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in an appropriate case, award public law compensation in exercise of its jurisdiction under Article 226 of the Constitution, the exercise of such jurisdiction must necessarily depend upon the facts and circumstances of each case. In the present case, for the reasons recorded hereinabove, the nature of the compensation claimed and the issues arising for determination render the ordinary civil remedy the more appropriate forum. We, therefore, find no infirmity in the view taken by the learned Single Judge.

14. In view of the foregoing, we are of the considered opinion that the learned Single Judge rightly held that the Writ Petition raises disputed questions of fact, and that the Appellant's alleged entitlement to compensation, as well as the quantum of loss allegedly suffered by him, would have to be established by leading evidence. Such an exercise cannot appropriately be undertaken in the exercise of writ jurisdiction.

15. Accordingly, the Appeal is dismissed. Pending Applications, if any, stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

AUGUST 24, 2026

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