

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO.1809 OF 2015**

Mr. Mohammed Naimuddin Sahru
Proprietor of M/s. S.K. Tours and
Travels and Anr.

....Petitioners.

V/s

The State of Maharashtra
Through the Secretary (Transport)
and Ors.

....Respondents.

Mr. Ulhas G. Kerkar i/b Mr. Victor K. Fernandes for the Petitioners.
Mr. D.A. Nalawade, Government Pleader for the
Respondents/State.

**CORAM: V. M. KANADE &
B.P. COLABAWALLA, JJ.**

DATE: 1st July, 2015

P.C.:-

1. Heard.
2. Rule. Rule is made returnable forthwith. By consent, Petition is taken up for final hearing.
3. Petitioners are owners of Transport Light Motor Vehicle Scorpio bearing registration number MH-04-CE-9783 which is a tourist vehicle. It is an admitted position that this vehicle is more than eight years old. This vehicle was seized by Flying Squad of Respondent No.3 on 10/06/2015 near Bandra.

4. The learned Counsel for the Petitioners submitted that driver of the Scorpio was not aware about directions given by this Court and inadvertently entered City of Mumbai with the said Scorpio. He submitted that the Petitioners will give an undertaking that they will not hereafter bring the said vehicle in the City of Greater Mumbai and they are ready and willing to pay the cost, if imposed by this Court. The learned Counsel for the Petitioners invited our attention to number of orders which have been passed by this Court in similar cases.

5. Taking into consideration the peculiar facts and circumstances of this case, we direct Respondent No.2 to release the said tourist vehicle upon the Petitioners giving the aforesaid undertaking and paying cost of Rs 10,000/-. Petitioners shall also comply with the other objections which are raised by the RTO and other authorities.

6. Writ Petition is disposed of in the aforesaid Terms and Rule is made absolute accordingly.

7. Parties to act on the copy of this order duly authenticated by the Registry of this Court.

(B.P. COLABAWALLA, J.)

(V.M. KANADE, J.)