

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

1. Writ Petition No. 443 of 2015
(Akola Shahar Truck Owners Association and others vs. The State of Maharashtra and others.)
2. Writ Petition No. 601 of 2015
(Baljindarsingh Harbansingh Jaggi and others. vs. The State of Maharashtra and others.)
3. Writ Petition No. 892 of 2015
(Shri Munna Panchamlal Varma and others vs. The State of Maharashtra and others)

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

**CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ**

DATE : 25.3.2015

Heard Senior Advocate Shri C.S. Kaptan with
Advocate Shri J.B. Gandhi and Advocate Shri T.D. Mandlekar,
for respective petitioners and Mrs. Bharti Dangre, learned
Government Pleader for respondents.

2. Perused the impugned communication at Annexure

A with Writ Petition No. 443 of 2015 and a message sent thereafter by Transport Commissioner which has been placed as Annexure 1 (page 81) with Writ Petition No. 601 of 2015. Shri Gandhi submits that said message needs to be viewed in the background of interim orders passed by this Court in Writ Petition No. 443 of 2015 on 29.1.2015.

3. Senior Advocate Shri Kaptan, Advocate Shri Gandhi and Advocate Shri Mandlekar argue that the intention even to prohibit authorized representatives/ agents from entering the premises of R.T.O. is apparent from the said message.

4. Learned Government Pleader appearing for the respondents in all the matters relies upon the reply affidavit. She submits that though word “agents” has been employed in the Circular or message, the intention was to prohibit unauthorized persons from entering the premises of R.T.O. to exploit the individuals who visit those offices for having license to drive vehicles and other similar purposes. She contends that unfortunately because of use of wrong word, a dispute has cropped up. She invites attention to the reply affidavit to show

assertion that the directions issued by this Court in earlier writ petition shall be strictly adhered to.

5. In reply, the respective learned counsel for the petitioners urge that this stand is by way of afterthought and a U- turn.

6. We do not wish to go into the merits of controversy and the statement that the effort was to prohibit unauthorized persons and stop harassment of individuals made by the responsible Officer need not be doubted at least at this stage.

7. In Writ Petition No. 2065 of 1987 decided on 6th June, 2002, this Court has in para no. 15 recorded thus:

“However, we make it clear and as is admitted by the respondents through their return that, if a person enters the premises of respondent nos. 1 and 2, on behalf of his master or owners of vehicles with a due authority letter from the masters or the owners of vehicles, to do specific work on their behalf and other alike work in

furtherance thereof, shall not be restrained from entering into the premises of respondent nos. 1 and 2 for getting the work done on behalf of their masters, whose authority letter, on demand, the said person shall produce instantly. With these observations, the petition stands dismissed. Rule discharged.”

8. As the respondents have stated that they never had any intention to violate said directions and are duty bound to implement it and will be abiding by, we find that interest of the petitioners before this Court and other authorized agents/ representatives functioning in the State of Maharashtra is sufficiently protected. In view of this reply affidavit, we dispose of the writ petitions. No costs.

JUDGE

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