

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13603 OF 2016

M/s. Satish Cargo Movers .. Petitioner
-Versus-
State of Maharashtra & Ors. ..Respondents

Mrs. A.P.Madhuri for petitioner
Mr. Vishal Thadani, AGP for State.

CORAM : V.M.KANADE &
MS.NUTAN D. SARDESSAI, JJ.

DATE : 8th December 2016.

P.C.

1] Heard learned Counsel for the petitioner and learned APP for State. The grievance of the petitioner is that three vehicles owned by the petitioner which are more than eight years old were seized at Mumbai Port Trust on account of the vehicles being more than eight years old and were not allowed to ply in Mumbai.

2] The learned Counsel for the petitioner submits that these vehicles have been registered in Nagaland where there is no such restriction. It is submitted that the owner of these vehicles would suffer irreparable loss if these vehicles are not released. Our attention is also invited to the order passed by the Division Bench of this Court, permitting release of vehicle

on payment of find.

3] We find that one vehicle out of the vehicles seized is eight years and six months old and other vehicles are 10 years old. We have perused the order passed by this Court in W.P.8475 of 2006 in the case of Avinash Nighot Vs. State of Maharashtra dated 21st December 2006.

4] In our view, no useful purpose will be served in keeping the vehicle which is othewise allowed to ply on road elsewhere in the Country. Under the circumstances, we allow the petition on the following terms:-

(a) The petitioner will given an undertaking to Regional Transport Office that he will move the vehicles outside greater Mumbai within two weeks from the date of their release;

(b) Before removal of the vehicles, the petitioner shall pay Rs.10,000/- for each vehicle as penalty.

5] Petition is allowed in aforesaid terms and disposed of.

(MS. NUTAN D. SARDESSAI, J)

(V.M.KANADE, J)