

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3097 OF 2015

Smt. Shikha Singhal	}	Petitioner
versus		
The State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Ulhas G. Kerkar with Mr. Victor K.
Fernandes for the Petitioner.

Mr. G. W. Mattos - AGP for the
Respondents.

CORAM :- S. C. DHARMADHIKARI &
G. S. PATEL, JJ.

DATED :- JANUARY 28, 2016

P.C. :-

1) The Petitioner claims to be owner of a vehicle bearing registration No. RJ-27-GA-2471 registered with the Regional Transport Office, Udaipur, Rajasthan on 27th November, 2006.

2) This vehicle was detained by Respondent No. 3 to this Petition on 22nd November, 2015.

3) The reason for detention is that this vehicle is more than 8 years old, not converted to CNG/LPG and therefore, plying in or entering the limits of Mumbai City is prohibited by law. Reliance was placed, while detaining the vehicle, on a prohibitory

order of this Court and which is dated 3rd March, 2004 in Notice of Motion No. 57 of 2004 in Writ Petition No. 1762 of 1999.

4) Our attention is invited to similar detention orders in case of other parties and the release of detained vehicles by this Court on a Writ Petition by the owner/interested person.

5) The last such order is stated to be passed in Writ Petition (L) No. 1809 of 2015 on 1st July, 2015. A copy of this order is to be found at page 57 of the paper book.

6) Bearing in mind the prohibition by this Court with regard to plying such vehicles which are more than 8 years old, in the City of Mumbai or prohibiting such vehicles from entering the City limits, we are of the view that such a prohibition will not prevent the Respondents from releasing the vehicle in favour of the Petitioner, provided the Petitioner undertakes not to ply the vehicle, which is detained, in Mumbai City limits or allowing it to enter the said limits at any time in future.

7) On instructions, Mr. Kerkar states that on release, the vehicle will not ply as above. The Petitioner is ready and willing to furnish such an undertaking in this Court and equally with the Respondents.

8) It is on these conditions that relying on similar orders

we direct release of this vehicle/truck upon the Petitioner's furnishing the undertaking within 10 days from today to this Court as also to the Respondents. In addition, the Petitioner will pay costs quantified at Rs.10,000/-. The costs shall be paid to Respondent No. 3. Mr. Kerkar, on instructions, states that the Petitioner or her Power of Attorney will produce all the relevant and necessary documents for scrutiny and verification by the Respondents so that they satisfy themselves that the parties are indeed owners or persons interested in claiming release of the vehicle. Further, the Petitioner will indemnify all the respondents against all actions and legal proceedings.

9) The Writ Petition is disposed of in the above terms.

(G.S.PATEL, J.)

(S.C.DHARMADHIKARI, J.)