

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Writ Petition No. 12788 of 2016

District : Dhule

1. Majid s/o. Babubhai Madari,
Age : 35 years,
Occupation : Agriculture,
R/o. Vani,
Taluka & District Dhule.

2. Ganesh Kautik Dhenge,
Age : 55 years,
Occupation : Agriculture,
R/o. Anurag,
State Bank Colony,
Mahabal Colony, Jalgaon. .. Petitioners.

versus

1. The State of Maharashtra,
Through the Principal Secretary,
Department of Transport,
Mantralaya, Mumbai.

2. The Commissioner,
Transport Department,
3rd & 4th Floor,
Govt. Buiulding,
Near to Dr. Babasaheb Ambedkar
Garden,
Govt. Residence, Vandre (East),
Mumbai - 400 051.

3. The Regional Transport Officer,
Transport Office, Dhule,
Taluka & District Dhule. .. Respondents.

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Mr. Girish A. Nagori, Advocate, for the petitioners.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent nos.01 to 03.*

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**CORAM : V.M. KANADE &
SANGITRAO S. PATIL, JJ.**

DATE : 16TH JANUARY 2017

ORAL ORDER :

By this petition which is filed under Article 226 of the Constitution of India, petitioners are seeking following reliefs :-

(A) By issuing writ of mandamus or any other writ, order or directions, this Hon'ble Court may be pleased to direct the respondents that, respondents shall register the vehicle of the petitioners in non-transport (private) category as per Government Resolution dated 02.06.2010 and 21.01.2016 published.

(B) Pending the hearing and final disposal of this Writ Petition, this Hon'ble Court may be pleased to direct the respondents that, respondents shall not seize and detain the vehicle of the petitioners and permit to register.

(C) Any other appropriate relief in the interest of justice may kindly be granted. "

02. Reliefs claimed by the petitioners cannot be granted by this Court while exercising extraordinary jurisdiction under Article 226 of the Constitution of India. Secondly, petitioners have alternate remedy of applying before respondent no.03 - Regional Transport Officer and the Registering Authority, and if permission is not granted, they can file an appeal

before respondent no.02 - Commissioner of Transport Department.

03. If application is already made by the petitioners seeking registration of the vehicle in a particular category, same shall be decided by respondent no.03 - Regional Transport Officer within six weeks.

04. With the above directions and preserving right of the petitioners to exhaust alternate remedies, the Writ Petition is disposed of.

(Sangitrao S. Patil)
JUDGE

(V.M. Kanade)
JUDGE

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