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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6481 OF 2017

M/s. Satish Cargo Movers

.. Petitioner

Versus

1. The State of Maharashtra and ors.

.. Respondent

Ms. A. P. Madhuri for petitioner.

Mr. Vikas Mali, AGP for respondents-State.

CORAM: NARESH H. PATIL &
SMT. BHARATI H. DANGRE, JJ.

JUNE 22, 2017.

ORAL JUDGMENT (PER NARESH H. PATIL,J.)

1. Rule. Rule is made returnable forthwith. By consent of parties, heard finally.

2. The petitioner is a Transporter engaged into transporting goods / cargo mover. The Checking Officer of IMVRTO Mumbai (East) issued Checking Reports dated 8/6/2017 & 10/12/2016. The nature of offences is described in the said Checking Reports. The Department proposed action for violations of the mandatory Rules and detained the vehicles under Section 207 of the Motor Vehicles Act, 1988 and under Section 12 of the Bombay Motor Vehicle Tax Act and Rules.

3. Learned counsel appearing for the petitioner referred to the orders passed by this court in earlier disposed of petitions. According to the learned counsel, those orders were passed in identical or similar cases. The reference is made to an order dated 3/3/2004 passed in Notice of Motion No. 57 of 2004 in Writ Petition No. 1762 of 1999. Learned counsel further submitted that the petitioner is also concerned with a communication dated 9/6/2017 made by the Regional Transport Officer, Mumbai (East) to the Regional Transport Officer, Kohim – Nagaland informing them to take necessary steps to scrap the vehicles as the petitioner contravened the directions issued by this Court in Writ Petition No. 1762 of 1999. Learned counsel submits that admittedly the vehicles bear registration numbers of Nagaland. Learned counsel, on instructions, submits that the subject vehicles were going from Pune to Uran carrying cargo and thereafter they proceeded to B.P.T. On the way to B.P.T., the vehicles were stopped somewhere at Vashi Naka (Chembur). Learned counsel, on instructions, further submits that the vehicles be spared of scrapping and they be released on petitioner submitting suitable undertaking as directed by this court. Learned counsel submitted that Department may take necessary steps in accordance with the Checking

Reports and the petitioner would be at liberty to satisfy the Department and contest any action taken by the Department in accordance with the Checking Reports.

4. Learned AGP submits that the Transport Department is facing difficulty, day in and day out, in checking vehicles plying in the City of Mumbai. The Department is short of necessary staff to man heavy rush of vehicles and to detect violations of law. Learned AGP further submits that heavy amount be deposited by the petitioner.

5. During the course of hearing, we inquired from the learned AGP, who is instructed by the officer of the concerned department, as to whether the Department calls for list of registered vehicles from the leading Transporters to verify necessary details, including the information as to whether the vehicle was being used for more than eight years in the City of Mumbai. Learned AGP assures us that the Department would look into this aspect and the issue would be taken up with the higher authority. We expect the Transport Commissioner, Maharashtra State to look into the effective implementation of the order passed by this court in Writ Petition No.1762 of 1999 and the issues discussed as above. We have also noticed

that the Transport Department requires up-gradation in scientific and technological areas for effective implementation of law and the orders passed by this court. In case the sufficient man power is lacking, the issue shall be dealt with at the State level. We expect the Transport Commissioner to take this issue also with the State authorities.

6. In view of the earlier orders passed by this court, in the facts of the present case and the submissions advanced by the learned counsel appearing for the parties, we pass following order :

ORDER

- (a) Five vehicles bearing registration numbers as described in prayer clause (a) of the petition, detained by the Regional Transport Office, Mumbai (East), shall be released in favour of the petitioner on petitioner submitting appropriate undertaking in tune of the order passed by this court in Writ Petition No. 1762 of 1999.
- (b) The petitioner shall deposit an amount of Rs.25000/-

(Rupees Twenty Five Thousand only) per vehicle with the concerned Regional Transport Office.

(c) On submission of undertaking and deposit of the amount, as stated above, the vehicles shall be released in favour of the petitioner.

(d) The appropriate authority shall complete the necessary procedure in accordance with the Checking Reports. The petitioner is at liberty to participate in the proceeding and thereafter the Transport authority shall take final decision in respect of issues raised in the Checking Reports. This exercise shall be completed at the earliest.

Rule is made absolute in the above terms.

7. List the matter on 17th July, 2017 at 3.00 p.m. for compliance.

(SMT. BHARATI H. DANGRE,J.)

(NARESH H. PATIL,J.)