

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9007 OF 2017

Bashir Ahmed Mohd Ali

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Ms A.P. Madhuri for the Petitioner.

Mr. S.B. Kalel, AGP for the Respondent No.1-State.

CORAM : SHANTANU KEMKAR &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 11th SEPTEMBER, 2017.

P.C.:-

Not on board. Taken on board.

2. Heard learned counsel for the Petitioner on the question of admission.

3. Rule. The learned AGP waives service for the Respondent. Forthwith taken up for final disposal as the issue is covered by several orders passed by this Court.

4. An order was made by the Division Bench of this Court on 3rd March, 2004 in Writ Petition No.1762 of 2009 by which a direction

was given to phase out eight years old transport vehicles from the City of Mumbai, unless the same are converted to run either on CNG or LPG. A direction was also issued in the said order that if in breach of the direction, any vehicle is found plying within the limits of Mumbai, the same shall be immediately impounded by the Regional Transport Office or by the traffic police.

5. The Petitioner is claiming to be the owner of the vehicle, subject matter of this Petition. The vehicle was admittedly plied in the City of Mumbai in breach of the directions issued under Order dated 3rd March, 2004. Reliance is placed on several orders passed by the Court in similar cases, wherein subject to undertaking given by the owners, not to ply the vehicles in the City of Mumbai and subject to deposit of certain amounts, the vehicles were ordered to be released.

6. Accordingly, in the present Petition, the learned counsel appearing for the Petitioner states that the Petitioner is willing to give an understanding as provided in the various orders of this Court. Hence, we dispose of this Petition by passing following order :-

- a) The vehicle, subject matter of this Petition, shall be released to the Petitioner subject to the condition of (i)

the Petitioner filing an undertaking before this Court to the effect that the vehicle shall not be plied in the City of Mumbai and shall be taken out of the limits of the City of Mumbai; and (ii) the Petitioner in this Petition depositing a sum of Rs.10,000/- (Rupees Ten Thousand) with the concerned Regional Transport Office;

- b) Only upon the deposit of sum of Rs.10,000/- (Rupees Ten Thousand) by the Petitioner with the concerned Regional Transport Office and on the Petitioner producing true copy of the undertaking filed in this Court, the vehicle shall be released to the Petitioner on production of an authenticated copy of this order.
- c) Rule is made absolute in above terms.
- d) All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)

(SHANTANU KEMKAR, J.)