

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14211 OF 2016**

Pooja Logistics ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

**WITH
WRIT PETITION NO. 14213 OF 2016**

Satish S. Kambli ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

**WITH
WRIT PETITION NO. 537 OF 2017**

Vasant Subhana Khirawale ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

**WITH
WRIT PETITION NO. 538 OF 2017**

Harish Vital Karkera ..Petitioner

v/s.

The State of Maharashtra & Anr. ..Respondents

Ms.A.PMadhuri for the Petitioner in all writ petitions.

Mr. Manish Pabale, AGP for the Respondent-State in all writ petitions.

CORAM : A.S.OKA & ANUJA PRABHUDESSAI, JJ.
DATED : 25TH JANUARY, 2017

ORAL JUDGMENT (PER A.S OKA, J)

1. 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.

2. 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.

3. The petitioners are claiming to be the owners of the vehicles, subject matter of these petitions. The vehicles were 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 this 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.

4. Accordingly, in the present petition, the learned Counsel appearing for the petitioners states that the petitioners are willing to give an undertaking as provided in the various orders of this Court. Hence, we dispose of these petitions by passing following order:

- a) The vehicles, subject matter of this petition shall be released to the petitioners subject to the condition of (i) the petitioners filing an undertaking before this Court to the effect that the vehicles 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 petitioners in each petition depositing deposit 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) each by the petitioners with the concerned Regional Transport Office, and on the petitioners producing true copies of the

undertakings filed in this Court, the vehicles shall be released to the petitioners on production of an authenticated copy of this order.

- d) Rule is made absolute in above terms.
- e) All concerned to act on the authenticated copy of this Order.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)