

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3423 OF 2018

Asad Mohammad Khan ...Petitioner
vs.
The State of Maharashtra and Others ...Respondents

Mr. S.S. Deokar, for the Petitioner
Mr. C.P. Yadav, AGP for the Respondent Nos. 1 to 3.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.**

DATE : APRIL 09, 2018

P.C.:

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

2. Rule.

3. 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 Petitioners are claiming to be the owners of the vehicles, subject matter of this Petition. 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 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 Petitioners states that the Petitioners are willing to give an understanding as provided in the various orders of this Court. Hence, we dispose of this Petition by passing following order.

7. 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 this Petition depositing deposit a sum of Rs.10,000/

(Rupees Ten Thousand) with the concerned Regional Transport Office.

8. 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.

9. Rule is made absolute in above terms.

10. All concerned to act on the authenticated copy of this Order.

(MAKARAND KARNIK, J.)

(SHANTANU KEMKAR, J.)