

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

WRIT PETITION NO.3134 OF 2016

Mrs.Sarika Shrikant Mantri .. Petitioner.
Vs.
The State of Maharashtra & Ors. .. Respondents.

**WITH
WRIT PETITION NO.3957 OF 2016**

Mrs.Jayshree Shriram Mantri .. Petitioner.
Vs.
The State of Maharashtra & Ors. .. Respondents.

Mr.Madhav Jamdar for the Petitioner in both Petitions.
Ms.M.S. Srivastava, AGP for the Respondent Nos.1 to 4 in both petitions.

**CORAM : A.A. SAYED &
A.K. MENON, JJ.**

DATED : 11TH DECEMBER, 2018

P.C. :

1. By these Petitions under Article 226 and 227 of the Constitution, the Petitioners have sought the following reliefs :

WP No.3134/2016

“(a) By an appropriate writ, order or direction of this Hon'ble Court, Order dated 02.01.2015 passed by the Additional Transport Commissioner and Appellate Officer, Maharashtra State, Mumbai (Exh.F hereto) and Order dated 17.11.2014 of the Assistant Regional Transport Office, Nasik in No.J.K.9968/N.P.V/P.P.K/2014 (Exh.D hereto) be quashed and set aside and said appeal be allowed.”

WP No.3957/2016

“(a) By an appropriate writ, order or direction of this Hon'ble Court, Order dated 02.01.2015 passed by the Additional Transport Commissioner and Appellate Officer, Maharashtra State, Mumbai (Exh.F hereto) and Order dated 17.11.2014 of the Assistant Regional Transport Office, Nasik in No.J.K.9958/N.P.V/P.P.K/2014 (Exh.D hereto) be quashed and set aside and said appeal be allowed.”

2. By the impugned orders of the Assistant Regional Transport Office, Nasik the registration of the two transport vehicles of the Petitioner was cancelled on two grounds. Firstly, on the ground that there was no emergency exit in vehicles in question belonging to the Petitioners and secondly, on the ground that the length of vehicles have been illegally increased by the Petitioners. The Authority held that this was in violation of the relevant provisions of the Central Motor Vehicle Rules, 1989. The said orders were upheld by a common order of the Additional Transport Commissioner, in the Appeals filed by the Petitioner, which order is also impugned in these petitions. On 21st November, 2018 this Court passed the following order:

“1. Without prejudice to the rights and contentions of the parties, we permit the petitioner to take the two vehicles (by towing the same) for inspection of the respondent authorities. Inspection to be carried out on or before 29th November, 2018. The respondent authorities shall examine whether the said vehicles conform to the relevant norms / rules

and whether they are road worthy. Upon inspection being taken, the respondent authorities to file a report by the next date.

2. Place the petition on 11th December, 2018.”

3. Today, the Learned AGP has tendered two reports in respect of the two vehicles of the Regional Transport Officer, Nashik wherein it is stated that the emergency exit doors have been provided in the vehicles as per the Central Motor Vehicles Rules, 1989 and the length and height of the vehicles are also within the prescribed limit of the Central Motor Vehicles Rules, 1989, and that both the vehicles would be treated as roadworthy only upon obtaining fitness certificates under Rule 62 of the Central Motor Vehicles Rules, 1989.

4. Inasmuch as the emergency exit doors have now been provided as per Rules and the length (and height) of vehicles in question are within prescribed limits as noted by the Regional Transport Officer, Nashik and since the Petitioner's vehicles are now lying idle for about four years, in our view, in the interest of justice, both the Petitions can be disposed of by the following order :

ORDER

- (i) The impugned orders dated 2nd January, 2015 and 17th November, 2014 are set aside.
- (ii) Upon the Petitioners applying and obtaining fitness certificates in accordance with Rule 62 of the Central Motor Vehicles Rules, 1989, the Petitioners be permitted to use the two vehicles which

are the subject matter of both the petitions.

(iii) The Petitioners shall pay costs of Rs.50,000/- in each of the Petitions (aggregating to Rs.1,00,000/-) to the Maharashtra State Legal Services Authority, who in turn shall pay the said amount to the State Juvenile Justice Fund. The costs shall be paid within three weeks from the date this order is uploaded.

(iv) The Petitions to stand disposed of in the above terms.

(A.K. MENON,J.)

(A.A. SAYED,J.)