

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8921 OF 2018

Mrs. Chandadevi Rajput

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Adv. A.P. Madhuri for the petitioner.

Mr. N.C. Walimbe, AGP for the respondent State.

**CORAM : B.P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.**

DATE : NOVEMBER 22, 2018

P.C.:

Heard for some time.

2. Violation of the provisions of law and therefore correctness of action taken by the respondent is not in dispute. The only request is to follow the course as has been done on 13/6/2013 while disposing of W.P. No.11847 of 2012 and other similar matters. Our attention is also drawn to order dated 9/4/2018 passed in W.P.No. 4101 of 2018.

3. We have tried to find out whether the provisions of Motor Vehicles Act prescribe any penalty for such violation. The parties are not in a position to point out any such provisions.

4. However, considering the nature of vehicles looked into in the earlier orders and the fact the present vehicle is a trailer, we, in these circumstances, because of earlier orders, pass the following order :

(a) In the circumstances, we direct the concerned RTO to release the vehicle bearing registration No.MH-40 7217 subject to registered owner undertaking that the said vehicle shall not be plied within the prohibited limits and shall be taken out of it forthwith by the shortest route. It shall also be subject to payment of fine by the said owner quantified at Rs.50,000/-. The amount shall be deposited with respondent no.3 within two weeks and thereafter only the vehicle shall be released.

(b) The undertaking shall be furnished within the said time to the registry of this court and copy thereof shall be served on respondent no. 3.

(SARANG V. KOTWAL,J.)

(B.P. DHARMADHIKARI, J.)