

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.941 OF 2019

Vijay s/o Bhanudas Chaudhari,
Age : 62 years, Occu. Business,
R/o Bansilal Nagar, Aurangabad

PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
Home Department,
Govt. of Maharashtra,
Mantralaya, Mumbai
2. The Commissioner of Police,
Aurangabad
3. The Police Station Officer,
Police Station, Vedantnagar,
Aurangabad
4. The Police Station Officer,
Police Station, Waluj,
Aurangabad
5. The Police Station Officer,
Police Station, Satara,
Aurangabad
6. The Transport Commissioner,
Maharashtra State, Mumbai
7. The Regional Transport Officer,
Aurangabad
8. Ajeet s/o Madhukarrao Mulay,
Age : 49 years, occu. Business,
Managing Director of Greenhold
Seed Pvt. Ltd.,
R/o Bansilal Nagar, Aurangabad

9. Madhukarrao s/o Haribhau Mulay,
Age : 81 years, Occu. Business,
R/o Bansilal Nagar, Aurangabad

10. Avinash Kokate,
Age : Major, Occu. Service,
R/o Narayanpur, Waluj,
Aurangabad

RESPONDENTS

Mr. C.K. Shinde, Advocate for the petitioner
Mr. R.D. Sanap, A.P.P. for the respondent/State
Mr. Nikhil Ghanwat, Advocate for respondent
Nos.8 to 10

**CORAM : T.V. NALAWADE AND
K.K. SONAWANE, JJ.**

DATE : 15th OCTOBER, 2019

ORAL JUDGMENT :

Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, heard for final disposal.

2. At the outset, learned counsel for the petitioner submits that he is not pressing the relief in terms of prayer clause (C) of the petition as a representation in that regard is already pending with the authorities concerned.

3. Learned counsel for the petitioner argued only in respect of prayer clause (B), which reads thus :

"It be held and declared that the action of blacklisting the vehicles belonging to the petitioner by respondent Nos.6 and 7 is illegal, without jurisdiction and violative of the principles of natural justice and therefore, deserves to be quashed and set aside."

4. Learned counsel for the petitioner took us through the record created by the Regional Transport Officer, which are the forms having title as "Release black list vehicle", which show that on the basis of the order made in Special Civil Suit No.115/2018 by the Civil Court, these forms have been issued/created in respect of five vehicles, which are registered in the name of the petitioner showing them as blacklisted.

5. It can be said that the aforesaid form was created on the basis of the order made by the Civil Court though there is no submission made to that effect. It appears that there is dispute between the petitioner on one hand and respondent Nos.8 to 10 on the other regarding ownership of those vehicles. The record shows that respondent No.8 has filed suit bearing Special Civil Suit No.115/2018 in the Court of Civil Judge, Senior Division, Aurangabad for the relief of

declaration of ownership of the vehicles and for perpetual injunction so also for possession. This Court is not touching the other points like who is the owner or who was in possession of the vehicles at the relevant time.

6. This Court had asked both sides and learned A.P.P. to show the provisions under the Motor Vehicles Act as to under which circumstances the vehicles can be blacklisted and the Regional Transport Officer can prohibit use of the vehicles when there is nothing due to which registration of the vehicles can be suspended by the Regional Transport Officer. It is always open for the Civil Court to take decision on the interim custody of the vehicle. This Court holds that the action taken by the Regional Transport Officer cannot sustain in law.

7. In the result, Criminal Writ Petition is allowed to the extent of prayer clause (B). Rule is made absolute in those terms.

[K.K. SONAWANE]
JUDGE

[T.V. NALAWADE]
JUDGE

