

JPP

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

WRIT PETITION NO. 661 OF 2019

Anil Vasant Walunj

... Petitioner.

V/s.

The State of Maharashtra & Ors.

... Respondents.

Mr. A.P. Madhuri for the Petitioner.

Mr. M.M. Pabale, AGP for the Respondents.

***CORAM : NARESH H. PATIL, C.J. &
N.M. JAMDAR, J.***

DATE : 31 JANUARY, 2019.

P.C. :-

This Petition is filed for release of the Bus owned by the Petitioner. The Bus of the Petitioner is registered at Dy. RTO, Navi Mumbai (Vashi) bearing Registration No. MH-06-S-9324. The vehicle had completed eight years and seven months, and when the vehicle entered the city of Mumbai, the Flying Squad No.1 of the RTO, Eastern, Mumbai (E), seized it on 20 December 2018. The RTO Authorities took action because the vehicle was older than eight years and given the provisions of the Motor Vehicles Act,

1988. The Petitioner has sought to provide an undertaking if the vehicle is returned to the Petitioner.

2. This Court passes various orders in respect of the release of such vehicles. Two such orders are placed on record, first being in WP No. 14211 of 2016 and three others disposed of on 25 January 2017 and the second in Writ Petition No. 6481 of 2017. The parties are *ad-idem* that the fact situation in these cases is identical to the present one. Nothing is shown to us as to why we should take a different view.

3. In the circumstances, the Writ Petition is disposed of by the following order, which is on the same lines as the above Petitions:-

(a) The vehicle bearing Registration MH-06-S-9324, registered at Dy. RTO, Navi Mumbai (Vashi), detained by the Regional Transport Office, Eastern, Mumbai (E), shall be released in favour of the Petitioner on the Petitioner submitting appropriate undertaking in tune of the order passed by this Court in Writ Petition No. 1762 of 1999.

(b) The Petitioner shall deposit an amount of Rs.10,000/- (Rupees Ten Thousand Only) with the concerned Regional Transport Office.

(c) On submission of undertaking and deposit of the amount, as stated above, the vehicles shall be released in favour of the Petitioner.

(d) The appropriate authority shall complete the necessary procedure in accordance with the checking Reports. The Petitioner is at liberty to participate in the proceeding, and thereafter the Transport Authority shall take a final decision in respect of issues raised in the Checking Reports. This exercise shall be completed at the earliest.

N.M. JAMDAR, J.

CHIEF JUSTICE