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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12544 OF 2019

...
Sampada P. HedukarPetitioner
V/s.
The State of Maharashtra & ors.Respondents

WITH
WRIT PETITION NO. 2199 OF 2020

...
Shevanta S. GhugePetitioner
V/s.
The State of Maharashtra & ors.Respondents

WITH
WRIT PETITION (St) NO. 4530 OF 2020

...
Shrikrishna Stevedores Pvt. Ltd.Petitioner
V/s.
The State of Maharashtra & ors.Respondents

WITH
WRIT PETITION NO.2202 OF 2020

...
Sukhdev International Pvt. Ltd.Petitioner
V/s.
The State of Maharashtra & ors.Respondents

WITH
WRIT PETITION (ST) NO.3069 OF 2020

...
Shashikant B. AminPetitioner
V/s.
The State of Maharashtra & ors.Respondents

WITH
WRIT PETITION (ST) NO. 3195 OF 2020

...
Jahangir Mohd. Hussain KalaniyaPetitioner
V/s.
The State of Maharashtra & ors.Respondents

WITH
WRIT PETITION (ST) NO.30646 OF 2019

...	
Alka Joshi	Petitioner
V/s.	
The State of Maharashtra & ors.	Respondents

WITH
WRIT PETITION (ST) NO. 30647 OF 2019

...	
Alka Joshi	Petitioner
V/s.	
The State of Maharashtra & ors.	Respondents

WITH
WRIT PETITION NO.2198 OF 2020

...	
Vinod Shah	Petitioner
V/s.	
The State of Maharashtra & ors.	Respondents

...

Ms A.P. Madhuri for the Petitioner in all the petitions
Mr. P.P. Kakade, G.P. a/w. Ms Kavita N. Solunke, AGP and Mrs.
Reena A. Salunkhe, AGP for the Respondents in all the petitions

**CORAM : A.A. SAYED &
N.R.BORKAR, JJ.**

DATED : 30 JULY 2020.

P.C.:

1] The Petitioners claim to be the owners of the vehicles which are subject matter of the above Petitions. The vehicles were admittedly plying in the city of Mumbai in breach of the directions issued under Order dated 3rd March 2004 in Writ Petition No. 1762 of 1999. In the said order, directions were issued that eight year

old transport vehicles be phased out, unless the same are converted to run either on CNG or LPG has been extended upto December 31 2004. Directions were also issued in the said order that in breach of the direction, if any vehicle is found plying within the limits of Mumbai, the same shall be immediately impounded by the R.T.O. or by the Traffic Police.

2] Learned Counsel for the Petitioners has placed reliance upon several orders passed by this Court in similar matters, wherein subject to Undertakings given by the owners not to ply the vehicles in the city of Mumbai and subject to deposit of certain fine amounts, the vehicles were ordered to be released.

3] Learned Counsel for the Petitioners states that the Petitioners in all these Petitions are willing to give an Undertaking as provided in various orders of this Court. Hence, we dispose of all these Petitions by passing the following order:

a] The vehicles, being subject matter of all these petitions, shall be released to the Petitioners subject to the following conditions :-

(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 city of Mumbai; and

(ii) the Petitioners in each Petition depositing a sum of Rs.7,500/- with the concerned Regional Transport Office in respect of each vehicle. Ordinarily, we would have directed the Petitioners to deposit an amount of Rs.10,000/-, however, in view of the ongoing Lock-down due to the Covid-19 outbreak, at the request of learned Counsel for the Petitioner and in the interest of justice, we have reduced the amount to Rs.7,500/-;

(b) Only upon deposit of the sum of Rs.7,500/- (Rupees Seven Thousand Five Hundred only) with the concerned R.T.O. and on the Petitioners filing true copies of the Undertakings in this Court, the vehicles shall be released to the Petitioners on production of authenticated copy of this order;

(iii) All the Petitions are disposed of in the above terms.

4] This order will be digitally signed by the Personal Assistant / Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

(N.R.BORKAR,J.)

(A.A.SAYED, J.)

**This order is corrected in pursuance to
speaking to minutes order dated 22.03.2022**