

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.2128 OF 2021**

Nirmal Container Carrier (Proprietorship)
Through Mr. Bhopal Khem Singh .. Petitioner
v/s.
State of Maharashtra Through its Secretary
Transport Department And Ors. .. Respondents

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Mr. Suhas S. Deokar, for the Petitioner.

Mr. N.C. Walimbe, AGP, for Respondent-State.

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**CORAM: S.C. GUPTE &
M.S. KARNIK, JJ.**

DATE : 23 JUNE, 2021.

PC:-

. Heard learned Counsel for the Petitioner and learned AGP for the Respondent State. Rule. Learned AGP waives service. The petition is taken up for hearing forthwith by consent.

2. The controversy in the petition concerns seizing of 8 years' old transport vehicles plying within the City of Mumbai unless they are converted into CNG or LPG vehicles. A direction was passed by this Court on 3 March 2004 in that behalf in Writ Petition No.1762 of 1999. The direction inter alia required impounding of vehicles found to be plying within the limits of the City in breach of this direction.

3. The Petitioner claims to be the owner of a vehicle, which has admittedly plied for more than 8 years in the City of Mumbai, and which has not been converted into CNG or LPG vehicle and has, accordingly, been seized. The Petitioner submits that there have been several orders passed by this Court in similar cases, whereunder against undertakings given by the respective petitioners and on deposit of costs, vehicles have been released. Learned Counsel submits that his client is willing to give a similar undertaking that the vehicle shall not be plied in the City of Mumbai and taken out of its limits and also pay such costs as may be determined by this Court.

4. There are indeed orders passed in a number of cases requiring release of seized vehicles. There is no reason why the present Petitioner should not be granted the same relief on the same facts.

5. Accordingly, we direct the Respondents to release the Petitioner's vehicles, subject to the latter submitting an undertaking that the impounding vehicle, upon its release, shall not be plied in the City of Mumbai and shall be taken out of the City limits.

6. The Petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand) with the Regional Transport Office. It is made clear that the release order shall be passed only after such amount is deposited by the Petitioner and a true copy of the undertaking filed in this Court is produced before the Regional Transport Office.

7. Rule is, accordingly, made absolute and the petition is

allowed in the above terms. All concerned to act on the authenticated copy of this order.

(M.S. KARNIK, J.)

(S.C. GUPTE, J.)