

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2463 OF 2021**

Rahul Sudam Chavan,	]	
Age- 38 years,	]	
R/o, KL-495, Sector-6/E, Kalamboli,	]	
Tal: Panvel, Dist. Raigad – 410 218.	]	Petitioner

Versus

1. The State of Maharashtra	]	
Home Department (Transport)	]	
Mantralaya Mumbai.	]	
2. Through the Commissioner of	]	
Transport, Maharashtra State	]	
New Administrative Building,	]	
4 th floor, Opp. Ambedkar Udyan	]	
Bandra (E), Mumbai.	]	
3. The Regional Transport Officer (E).	]	
Bldg. No. B-2, 3 rd Floor,	]	
Truck Terminals, Wadala,	]	
Mumbai (East) – 400 037.	]	

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Ms. A.P. Madhuri , for Petitioner.

Mr. S.S. Panchpor, A.G.P, for Respondents-State.

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**CORAM : K.K. TATED &
PRITHVIRAJ K. CHAVAN, JJ**

**DATE : 6th JULY, 2021.
[Through Video Conferencing]**

P.C.

1. Rule.
2. Rule made returnable forthwith.
3. Learned A.G.P waives service for respondents No.1 to 3.
4. Heard finally with the consent of learned Counsel for the petitioner and the learned A.G.P
5. The petitioner deals in the business of transportation from Panvel. The petitioner is an owner of the trailer bearing registration No. MH-46-H-1596 which was registered in the year 2011 for the business of transportation. The said trailer was registered with RTO, Panvel, Maharashtra.
6. Though the petitioner is the owner of the said trailer, due to oversight and inadvertence, he could not notice that the trailer has completed more than eight years and was prohibited from entering in the limits of Mumbai. Driver of the petitioner, due to sheer inadvertence drove the said trailer in the city of Mumbai and was impounded by respondent No.3 on the ground that it was more than eight years old which is in breach of directions issued by the Division Bench of this Court on 3rd March, 2004 in Writ Petition

No.1762 of 1999. It is the contention of the petitioner that regular vehicle had developed some technical snags and therefore, this trailer, inadvertently to avoid hardship and since there was no other trailer available, had entered into the limits of the city of Mumbai when it was accosted by the Flying Squad of respondent No.3.

7. Learned Counsel appearing for the petitioner has placed reliance on various orders passed by this Court in identical cases wherein subject to the undertakings given by the owners not to ply the vehicles in the city of Mumbai and subject to deposit of certain amount the vehicles were directed to be released.

8. Learned Counsel for the petitioner states that the petitioner is ready and willing to give similar undertaking and also deposit an amount as may be directed by this Court. Learned Counsel for the petitioner has placed reliance on such two judgments of Division Bench of this Court viz; *Writ Petition No.14211 of 2016 in case of Pooja Logistics Vs. The State of Maharashtra with other companion Writ Petitions (Coram: A.S. Oka and Anuja Prabhudesai, J.J.) decided on 25th January, 2017 and Writ Petition No.654 of 2019 in the case of Jindal Roadways Pvt. Ltd Vs. The State of Maharashtra and others (Coram: Naresh H. Patil, C.J. and N.M. Jamdar, J.) decided on 31st January, 2019.*

9. Learned A.G.P is *ad idem* on the said aspect.

10. Having considered the aforesaid facts and circumstances, the trailer of the petitioner shall be released subject to following conditions;

(a) The petitioner shall file an undertaking before this Court stating therein that the said trailer shall not be plied in the city of Mumbai and shall be taken out of the limits of the City of Mumbai;

(b) The petitioner shall deposit a sum of Rs.10,000/- (Rs. Ten Thousand only) with respondent No.3;

(c) Upon deposit of the amount as stated hereinabove with respondent No.3 and furnishing true copy of the undertaking which would be filed in this Court, the said trailer shall be released in favour of the petitioner on production of authenticated copy of this order.

11. Rule is made absolute in the above terms.

12. Writ Petition is disposed of.

13. All concerned to act upon the authenticated copy of this order.

[PRITHVIRAJ K. CHAVAN, J.]

[K. K. TATED, J.]