

Arjun

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4662 OF 2022***

Mepani Brothers	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

R. A. Naik i/by Puja N. Pilankar, for the Petitioner.
Mr. S. S. Panchpor, AGP for the Respondent.

**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
DATED : 29th APRIL, 2022**

P.C. :

1. The Petitioner claims to be the owner of vehicle bearing Registration No. MH 04 F J 7024 which is subject matter of the above Petition. The vehicle was admittedly plying in the city of Mumbai, in breach of the 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 and these

vehicles would be treated as scrapped and their registration would be cancelled, unless the same are converted to run either on CNG or LPG. Directions were also issued in the said order that in breach of the directions, if any vehicle is found playing 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 Petitioner 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 amount, the vehicles were ordered to be released.

3. Learned Counsel for the Petitioner states that the Petitioner will submit an undertaking in this Court as submitted in Writ Petition No. 5288 of 2022. He submits that the Petitioner hereby gives undertaking in similar terms as given in said Writ Petition to this Court. The said undertaking is as under:

“i) I undertake that the said Vehicle shall not be plied within the Municipal limits of Greater Mumbai.

ii) I undertake to take the said vehicle beyond the jurisdiction and local limits of the Greater Mumbai and shall not ply the same again in Greater Mumbai.

iii) I undertake that I shall not bring said vehicle in the Municipal Limits of Greater Mumbai.

iv) I undertake to deposit Rs. 25,000/- (Rupees Twenty-Five Thousand only) with Respondent No. 2, Regional Transport Officer- Mumbai (East) within a period as will be directed by this Hon’ble Court.”

4. In view of above undertaking we pass the following order:

ORDER

(a) The Vehicle, being subject matter of this Petition, shall be

released to the Petitioner subject to the following conditions:

- (i) The Petitioner shall not ply in the city of Mumbai, the said vehicle and shall take the same out of the limits of city of Mumbai; and
 - (ii) The Petitioner shall file the undertaking in above terms within two weeks from today.
 - (iii) The Petitioner shall deposit a sum of Rs. 25,000/- as fine with the concerned Regional Transport Office in respect of vehicle.
- (b) Only upon deposit of the sum of Rs. 25,000/- (Rupees Twenty-Five Thousand Only) with the concerned R. T. O. and on production of authenticated copy of this order alongwith true copy of the Undertaking given in the Court, the subject vehicle shall be released to the Petitioner.
- (c) The undertakings given by the Petitioner are accepted.

- (d) The Petition is disposed of in above terms.
- (e) All parties to act on an authenticated copy of this order.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.