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Date: 2024.05.03
18:04:04 +0530**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5628 OF 2024**

Upendranath Ramkrishna Tripathi)
 Age 42 yrs, Occu: Business)
 House No.79, Kalher Village,)
 Taluka: Bhivandi, District Thane)

V/s

1] The State of Maharashtra)
 Through its Secretary Transport)
 Department, Mantralaya,)
 Mumbai – 400 001)

2] Commissioner of Transport)
 Maharashtra State, having Office)
 address at MTNL Building, Fountain)
 2nd Bldg. 5th Floor, M.G. Road,)
 Fort, Mumbai – 400 001)

3] the Regional Transport Officer,)
 Mumbai (C), Old Bodyguard Lines)
 Tardeo, Mumbai – 400034.)

4] Regional Transport Officer (Thane))
 O/A. New Building Eastern Express)
 Highway, near LIC building, Luiswadi,)
 Thane (West), Thane – 400 604)

....Respondents.

Ms. Reena Prajapati a/w Ms. Kinjal Luniya h/f Mr. Suhas Deokar
 Advocates for the Petitioner.

Mr. P.P. More, AGP for the Respondents-State.

**CORAM: A.S. CHANDURKAR &
JITENDRA JAIN, JJ.**

DATE: 3rd May, 2024

ORAL JUDGMENT: (Per A.S. Chandurkar, J.)

1] Rule. The learned Assistant Government Pleader waives notice for the Respondents.

2] The Petitioner seeks to release the Tanker bearing registration No. MH-04-GC-0462 which has been subjected to necessary action by issuing challan on 29/05/2023. Our attention is invited to the judgment dated 25/01/2017 in Writ Petition No.14211 of 2016 (*Pooja Logistics vs. The State of Maharashtra and Anr.*) and it is prayed that similar directions be issued to enable release of the said Tanker. The learned Assistant Government Pleader submits to the orders of the Court.

3] Accordingly for the reasons recorded in aforesaid decision, following order is passed:-

(a) The vehicle, subject matter of this petition shall be released to the Petitioner subject to the condition of (i) the Petitioner filing an undertaking before this Court to the effect that the vehicle shall not be plied in the City of Mumbai and shall be taken out of the limits of the City of

Mumbai, (ii) the Petitioner depositing deposit of a sum of Rs 10,000/- (Rupees Ten Thousand) with the concerned Regional Transport Office, (iii) the Petitioner paying the amount, if any, indicated in the challan dated 29/05/2023.

4] Rule is disposed of. No costs.

[JITENDRA JAIN, J.]

[A.S. CHANDURKAR, J.]