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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15528 OF 2023

Sai Rent a Car
Through Authorised Personnel
Asgarali Saukatali Pathan
Age:53 years; Occ; Business
R/o: H. No. 720/A, Flat No. 408,
A Wing, Zaheer Apartment,
Old Gauripada Idgah Road,
Bhiwandi, Thane – 421302.

... Petitioner

Versus

(1) The State of Maharashtra & Ors.
(2) Through the Commissioner of Transport,
Maharashtra State, New Administrative Building 4th
Floor, Opp. Ambedkar Udyan Bandra (E), Mumbai.
(3) The Regional Transport Officer (W)
111D, New Link Road, Kasam Nagar,
Suresh Nagar, Andheri West,
Mumbai (west) – 400 053.

... Respondents

WITH
WRIT PETITION NO. 15529 OF 2023

M/s. Omkar Projects
Swarg Niwas, Gimbhawane,
Ekta Nagar, Taluka Dapoli,
Through Authorised Personnel
Mr. Hari Dhera,
Age:48years;
R/A: Ganesh Nagar, Pipalwali Galli,
Link Rd, Near Shiv Sena Off Charkop,
Kandivali (W), Mumbai – 400 067.

... Petitioner

Versus

(1) The State of Maharashtra
Home Department (Transport)
Mantralaya Mumbai.

(2) Through the Commissioner of Transport,
Maharashtra State, New Administrative Building
4th Floor, Opp. Ambedkar Udyan Bandra (E),
Mumbai.

And

(3) The Regional Transport Officer (W)
Borivali No.53, Wing A CTS, 4, New Link Road,
Dahisar West, Mumbai – 400 068.

...Respondents

Ms. A. P. Madhuri, for the Petitioner

Ms. P. J. Gavhane, AGP, for the Respondents.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 9 FEBRUARY, 2024

Oral Judgment :- (Per G. S. Kulkarni, J.)

1. Rule. Rule is made returnable forthwith. With the consent of the parties, Petition is taken up for final disposal.
2. These Petitions are being disposed of by these common orders as the contentions raised on behalf of the Petitioners are common.
3. The Petitioners are the owners of the vehicles as described in the Petitions. In the first Petition, vehicle bearing Registration No. MH 04-GD-9988, and in the second Petition, vehicle bearing Registration Nos. MH-08-H-1985 & MH-08-H-2028, are seized in Mumbai in pursuance of the orders

passed by this Court in Writ Petition No.1762 of 1999, by which directions were given to phase out eight years old transport vehicles from the city of Mumbai, unless the same are converted to run either on CNG or LPG.

4. The Petitioners have described the circumstances in which the vehicles were brought into Mumbai and as to how they came to be seized. The Petitioners submit that, as directed by this Court in orders passed on similar proceedings, Petitioners are willing to furnish an undertaking as also deposit the fine of Rs.10,000/- with the concerned Regional Transport Office, and on such undertaking being produced, the vehicles ought to be released as permitted by this Court in such orders.

5. Our attention is drawn to orders passed by this Court i.e. order dated 25th January 2017 passed in the case of *Pooja Logistics vs. The State of Maharashtra & Another* in Writ Petition No. 14211 of 2016 and order dated 9th April 2018 passed in the case of *Padma Travels vs. The State of Maharashtra & Others* in Writ Petition No. 4101 of 2018, and several other orders. In our opinion, there is no reason as to why we ought not to follow the orders passed in similar cases.

6. We, accordingly, direct the Respondents to release the vehicles subject to the Petitioners depositing the fine of Rs.10,000/- in respect of return of their vehicles, as also by submitting their undertaking that they shall not

ply these vehicles in the city of Mumbai. On such compliance being made, the concerned Regional Transport Office shall release the Petitioners' vehicles on an authenticated copy of this order being presented before the authority.

7. Let appropriate action in that regard be taken within a period of three days from the Petitioners depositing the fine and submitting the undertaking.

8. Rule is made absolute in the above terms. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)

This judgment is corrected as per the speaking to the minutes order dated 14 February, 2024.