IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3062 OF 2019
WITH CA/2577/2025

Samata Urban Credit Co-operative Bank Main Road, Kopargaon
VERSUS
The State Of Maharashtra Through Its Principal Secretary And Others
...
Advocate for Petitioner : Mr. P.S. Dighe h/f Mr. V.R. Dhorde
AGP for Respondent/State : Ms. R.P. Gaur
Advocate for Respondent Nos.5 & 6 : Mr. K.J. Suryawanshi
...

CORAM : R.G. AVACHAT &
ABASAHEB D. SHINDE, JJ.

DATED : SEPTEMBER 30, 2025

PER COURT :

. Heard.

2. This petition has been filed for the following main reliefs :

> *"A) Call for record and proceedings of the case;*
>
> *B) Direct the respondent Nos. 1 to 4 to take possession and sale 30 trucks, 1 tanker and one truck chassis by way of auction for recovery of their taxes which are outstanding against the said vehicles and for that purpose issue necessary orders;*
>
> *C) Issue Writ of Mandamus or any other appropriate writ, order or directions in the nature of Writ of Mandamus directing the respondent Nos.5 and 6 to take possession of the 30 trucks, 1 tanker and one truck chassis mentioned in Exh. N to the petition which are in possession of the petitioner society in view of panchanma dated 13.08.2013 and for that purpose issue necessary orders;*

D) Pending hearing and final disposal of this Writ Petition direct the respondent Nos. 1 to 4 to take possession of the said vehicles which are parked in the premises of the school and for that purpose issue necessary orders;

E) Grant ad-interim order in terms of prayer clause "D";

F) Pass such other further order as this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of the case."

3. The petitioner is a co-operative credit society. It had lent amount to respondent no.5 as against the security of non-agricultural land. The said land was mortgaged with the petitioner/bank. When respondent no.5 borrower defaulted on the loan, the bank took possession of the land. While taking possession of the land mortgaged to it, there were 32 vehicles stationery on the land. The bank sold the land but could not hand over the possession to the purchaser because of the vehicles standing on the land. The bank therefore removed the vehicles to some open place and then brought it to Kopargaon.

4. It was then realized that the road and incidental taxes were due from the owner of the said vehicles. Respondent no.5 was stated to be the owner of those vehicles. Since he defaulted on payment of vehicle taxes, the RTO authorities sold 27 out of 32 vehicles towards recovery of the taxes due. 5 vehicles could not be sold because the description thereof (chassis number etc.) do not match with the RTO record. Those 5 vehicles are still with the

petitioner/bank. At this stage, we do not propose to decide who is in custody of the vehicles. The petitioner/bank is ready to handover the vehicles back to respondent no.5. Respondent no.5 is also ready to get back those vehicles under protest. The RTO authorities do not have objection for handing over those 5 vehicles to respondent no.5.

5. It was submitted by the learned counsel for respondent no.5 that in 2023, the RTO authorities had worked out the tax liability to the tune of Rs.20,00,000/- (Rs. Twenty Lakh). According to him, since the vehicles were not in use post 2013 i.e. when the vehicles went to the custody of the petitioner/bank, so respondent no.5 is not liable to pay the tax of those vehicles since that day. He made such representation to the RTO authorities who were pleased to work out the liability to the tune of Rs.20,00,000/- (Rs. Twenty Lakh) only. According to him, the vehicles have been sold for consideration of Rs.45,00,000/- (Rs. Forty Five Lakh). He seeks direction to the RTO authorities to pay back respondent no.5 the surplus amount.

6. Respondent no.2 is not before us in writ petition. The question of quantum and who is liable to pay the taxes of those vehicles is to be determined by the concerned RTO authorities. Respondent no.5 can very well agitate his grievance before those authorities. Needless to state, now nothing survives in the writ petition since 27 out of 32 vehicles have been sold and remaining 5 vehicles are agreed to be received by respondent no.5 shortly.

7. The writ petition therefore stands disposed of with a liberty to respondent no.5 to agitate his grievance before the RTO authorities regarding quantum of the taxes of those vehicles.

8. Learned advocate for respondent no.5 makes a statement that respondent no.5 will go to the petitioner/bank latest by Monday i.e. 06.10.2025 and receive those 5 vehicles. He also makes a statement that the amount of cost would be deposited within a period of one week from today. Once the amount is deposited, the same be paid to the Advocate's Association Bar Library, High Court, Aurangabad.

9. Pending civil applications stand disposed of.

(ABASAHEB D. SHINDE, J.) **(R.G. AVACHAT, J.)**

Mujaheed//