



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6683 OF 2022

D. P. Jain and Company Infrastructure
Pvt. Ltd. through its Authorized
Signaturry .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Joslyn A. Menezes, Advocate for the Petitioner.
Shri S. R. Yadav Lonikar, A.G.P. for the Respondent Nos. 1 and 2.
The Respondent Nos. 3 and 4 are served.

**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.
DATE : 03RD JANUARY, 2025.**

ORDER :

. Heard both sides finally at the admission stage.

2. The petitioner is assailing action of the respondent No. 3 blacklisting its vehicle and it is also seeking direction for issuing fitness certificate in respect of the vehicle in question.

3. The petitioner is the registered owner of a tanker of Ashok Leyland make bearing registration No. MH-04/EY-0453. It was initially belonging to Agrawal Translink Pvt. Ltd. registered on 23.09.2010. From the original owner, petitioner purchased it on 07.08.2020 and complied with all the formalities of transfer of vehicle. The petitioner was in need of fitness certificate of vehicle in question. Hence, he came across the action of blacklisting

initiated by the respondent No. 3. On further enquiry it revealed that some proceedings were filed before City Civil Court Dindoshi, Mumbai on 13.01.2021 by one Nawany Corporation (I) Ltd. Under Right to Information Act, the petitioner received the documents and it was surprised that its vehicle was being shown to be involved in the proceedings.

4. Learned counsel for the petitioner submits that its vehicle for the first time was referred in the letter dated 14.01.2021 addressed to the respondent No. 3. In the plaint of Short Cause Suit filed by Nawany Corporation against M/s S. N. Khatib and Company and another, the vehicle was mentioned. As per the registration, the vehicle in question was not belonging to plaintiff/Nawany Corporation Ltd. The correspondence between the private parties which was before the City Civil Court also did not refer to the vehicle in question. The learned counsel would submit that without extending any opportunity of hearing action of blacklisting was taken against the petitioner. There is total non application of mind and without ascertaining the title of vehicle impugned action was taken, which is arbitrary and shocking. Neither the petitioner, nor its vehicle was concerned with the litigation before the City Civil Court between Nawany Corporation Ltd. and M/s. S. N. Khatib and Company and another.

5. The learned Assistant Government Pleader supports the impugned action. He has relied on the affidavit in reply. He would submit that as the vehicle in question is referred in the

plaint, the action was required to be taken. He would submit that as the provisions of the Motor Vehicles Act are violated, the action was taken.

6. We have considered rival submissions of the parties. There is no dispute that initially vehicle was belonging to Agrawal Translink Pvt. Ltd. The petitioner purchased it on 07.08.2020. The transfer was effected by complying with all formalities of registration. Neither Nawany Corporation (I) Ltd., nor M/s S. N. Khatib and Company are its owners. They are the parties before the City Civil Court at Dindoshi in Short Cause Suit filed on 13.01.2021.

7. The petitioner came across action of blacklisting when it was seeking fitness certificate. The status was disclosed on the web portal of the R.T.O. that blacklisting was due to involvement in the suit pending before the City Civil Court. The petitioner was not party to the litigation, but its vehicle is mentioned in the plaint. The suit was for restraining the defendants from transferring two vehicles including the vehicle in question. There is nothing on record to show any nexus of petitioner's vehicle involving with the litigation. Due to the litigation the action of black listing was proposed against the petitioner's vehicle.

8. The learned A. G. P. was unable to point out as to how the vehicle in question is involved in any crime or petitioner was the defaulter. Neither he in a position to show any violation of provisions of the Motor Vehicles Act.

9. The petitioner is in possession of the disputed vehicle and undisputedly holds its title and the registration. Without issuing any notice and without hearing the petitioner, its vehicle has been black listed. This action is apparently arbitrary. The respondents are unable to point out the procedure adopted by them for blacklisting the vehicle. The impugned action is arbitrary and indulgence of this Court is necessary.

9. We, therefore, pass following order.

O R D E R

A) The writ petition is allowed in terms of prayer clauses 'B' and 'D', which reads as follows :

“B. By way of an appropriate writ, order or direction, this Hon'ble Court may kindly be pleased to quash and set aside the action taken by Respondent No. 3 (ANNEXURE-E), thereby blacklisting the vehicle bearing No. MH-04-EY-0453, lawfully owned by the petitioner;

D. By way of an appropriate writ, order or direction, direct Respondent No. 3 to issue fitness certificate in favour of the vehicle bearing No. MH-04-EY-0453;”

B) There shall be no order as to costs.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]