

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6331 OF 2024

Sawkash Authorickshaw Union

...Petitioner

Versus

The State Of Maharashtra Thr Ministry Of Transport

...Respondents

Adv. Akshay Deshmukh a/w Sanket Kadam and Sumit Chandhari, for the
Petitioner.

Ms. M.S.Bane, AGP for State.

CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 25 MARCH 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed for
the following relief:-

"a) Be pleased to allow this petition.

b) Rules may be framed.

*c) Any other suitable remedy may kindly grant in favor of the petitioner and
oblige.*

*d) Be please to issue writ of mandamus or writ in the nature of mandamus and
be pleased to issue direction to the respondents to implement the order dated
26* November 1997 and 22nd February 2008 regarding the limit on the
number of the taxis and autos.*

*e) Be pleased to call for record and proceedings of the of the notification dated
17th June 2017 and Government Order dated 18th July 2017 and after going
through the legality, propriety of the same be pleased quashed the
notification dated 17h June 2017 and Government order resolution dated 18th
July 2017 passed by the respondents.*

*f) During pendency of the writ petition be pleased to grant stay on the effect
and operation of the notification dated 17th June 2017 and Government Order
dated 18th July 2017 passed by the respondents."*

2. The primary contention of the petitioner is that the open licensing policy
being followed by the State of Maharashtra needs to be reviewed more
particularly in its applicability to the Regional Transport Office, Pune so as to
limit the issuance of the auto rickshaw licenses. According to the petitioner, such
policy of the State Government is causing several problems and prejudice to the
rickshaw owners. It is the petitioner's submission that the persons, who have

purchased rickshaws on loan, are suffering as they are not getting adequate business, which has resulted in defaults in making payment of loan installments for the purchase of the vehicles. The petitioner has set out all its grievances in the representation made by the petitioner to the Regional Transport Officer dated 22 May 2023 there is also representation made to the Chief Minister as also Transport Minister and Deputy Chief Minister, State of Maharashtra dated 31 March 2023, that the open auto rickshaw license policy for five years ought to be recalled.

3. *Prima facie* in our opinion it appears to be a matter of policy, if the petitioner is of the opinion that the policy is arbitrary or in any manner illegal or it is prejudicially affecting the petitioner and/or the society at large, it is for the state government to take a decision on the representation as made by the petitioner.

4. In the above circumstances we direct the Transport Commissioner, State of Maharashtra - respondent no.2 to hear the petitioner on the representation as made by the petitioner and take an appropriate decision and the same be communicated to the petitioner.

5. Let this exercise be undertaken within a period of four weeks from today.

6. The petitioner is directed to approach the office of the Transport Commissioner, State of Maharashtra on **1 April 2025 at 2:30 p.m.**

7. All contentions of the parties are expressly kept open.

8. Disposed of. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]