

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7312 OF 2024

Gurcharanlal Pritamlal Marwah ...Petitioner  
Versus  
State of Maharashtra and Ors. ...Respondents

Mr. Suhas Deokar, for the Petitioner.  
Ms. S.S. Bhende, AGP for the Respondents.

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

DATE : 24 MARCH 2025

P.C.:

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

*“That by Writ of Mandamus and or by appropriate Writ, Direction and Order of similar nature, Your Lordships be pleased to direct the Respondents to transfer the ownership of the 4 Vehicles (List annexed at Exhibit “G”) in favour or in name of Petitioner.”*

2. We have heard Mr. Suhas Deokar, learned counsel for the petitioner and Ms. S.S. Bhende, learned AGP for the State, with their assistance we have perused the record.

3. The petitioner as claimed in the petition is engaged in the business of transport of goods and carriage. The petitioner is primarily aggrieved by the inaction of the respondents of detaining the vehicles purchased by the

petitioner under an E-auction, on the ground of non-payment of certain charges and taxes payable by the petitioner.

4. Mr. Deokar would submit that the petitioner has approached the respondents requesting for release of the vehicles. Also the petitioner addressed a letter/representation dated 17 October 2021 to the Regional Transport Officer, Thane (respondent no.3). The petitioner contends that the vehicles have been detained by the respondents since 8 May 2021. It is contended that such detention is contrary to the provisions of Section 207(1) of the Motor Vehicles Act, 1988, hence, the vehicles ought to be released. The petitioner addressed another reminder letter dated 28 August 2023 to respondent no.3 reiterating his request for release of the vehicles, however there representations are not considered or have fallen on deaf ears.

5. There is no written opposition/reply on record.

6. It is not in dispute that the vehicles of the petitioner are detained by respondent no.3 on an issue which appears revolves around payment of certain statutory charges and taxes being demanded by the petitioner, without which the vehicles cannot be released.

7. Considering the facts and circumstances of the given case, in our opinion, the following order would meet the ends of justice:-

## **ORDER**

- (i) The respondent no.3 is directed to decide the petitioner's case in regard to the release of the vehicles in question and subject matter of representation on 17 October 2021 and 28 August 2023 in accordance with law and pass appropriate orders on the release of the petitioner's vehicles. Let this exercise shall be completed as expeditiously as possible and in any event, within a period of four weeks from the date this order is presented to the respondent no.3.
- (ii) All rights and contentions of the parties are expressly kept open.
- (iii) Writ petition is disposed of in the above terms. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]