

2025:BHC-AS:10270-DB



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3584 OF 2024

Faizal H. Dhanani & Ors.

... Petitioners

Vs.

The State of Maharashtra, through GP & Ors.

... Respondents

Mr. Harsharaj Hanumantrao Jagtap a/w. Mr. Vishal Laxman Kolekar, Ojas Kochrekar, Sneha Pawar and Alfiya Shaikh for the petitioners.

Ms. S.D. Vyas, Addl. G.P. with T.J. Kapre, AGP for the State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.
DATED: 26 FEBRUARY 2025

P.C.

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

“a) This Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate Writ/direction/order to direct the respondents to instruct their officers to not obstruct/stop/prevent the petitioners vehicle more particularly mentioned at Exh. A from plying in the State of Maharashtra on the ground of the same being in breach of Rule 93 and 128 of CMV rules.

b) This Hon’ble Court be pleased to issue a Writ of Mandamus or any other appropriate Writ/direction/order whereby the respondents and their employee/officers be restrained from obstructing/stopping/preventing the petitioners vehicle more particularly mentioned at Exh. A from plying in the State of Maharashtra on the ground of the same being in breach of Rule 93 and 128 of CMV rules.”

2. At the outset, we may observe that there are 72 petitioners having independent business of plying buses, which are stated to be registered with the RTO (Registered Transport Office) in different States. The case of the

petitioners is that the buses owned by them were not permitted to be plied in the State of Maharashtra on the ground that the length of their buses do not conform to the specifications provided under Rule 93 of Central Motor Vehicle Rule. It is the petitioners case that blacklisting of their buses may not be lawful course of action on the part of the State authorities. It is in these circumstances, the present petition is filed.

3. We have heard learned counsel for the parties. We find from the record that the Central Motor Vehicle Rule 93 provides for 'Overall dimension of motor vehicle'. In such context, the directives were issued by the Government of India, Ministry of Road Transport and Highways dated 16 March, 2021 whereby the Ministry has amended the Central Motor Vehicle Rule 93 on the vehicle dimensions (vide G.S.R. 414(E) dated 26 June, 2020, according to which, the buses which are manufactured after 26 June, 2020, the length of M3 vehicles including double decked buses and sleeper coaches was fixed at maximum 13.5 meters. The case of the petitioners is that the buses owned by them are manufactured prior to 26 June, 2020 and considering that the dimensions are below 13 meters, the buses would not fall under the purview of said amendment. It is, therefore, the submission on behalf of the petitioners that no action be taken against the buses owned by the petitioners, without ascertaining such factors.

4. On behalf of the State Government, it is contended that all these buses of the petitioners would be required to be examined by the respondent

authorities and considering the documents which are relevant to each of these vehicles and after appropriate inspection of the vehicles, these vehicles would be required to be cleared. It is submitted that in these circumstances, petition as filed by 72 petitioners would not be an appropriate course of action, for the petitioners to pursue.

5. We find substance in the contentions as urged on behalf of the respondents. At the same time, we cannot be oblivious of the stand as urged on behalf of the petitioners that each of the vehicle would be required to be examined for a clearance to be granted. In the aforesaid circumstances, we are of the opinion that it is in the interest of justice that the petition be disposed of in terms of the following order:

ORDER

(i) Each of the petitioners are permitted to make an application to respondent no. 3-Regional Transport Officer within a period of two weeks from today with all relevant documents so as to support its contention that the petitioners vehicles (buses - sleeper coach/double deck) in question can be plied in the State of Maharashtra to be tested considering whether Rule 93 as effected from 26 June, 2020 is applicable to the petitioners vehicle.

(ii) The petitioners shall offer their vehicles for inspection.

(iii) After inspection if the RTO is satisfied that the length of the petitioners vehicles and/or any other requirements under law are complied, a certificate to that effect be issued to the petitioners in respect of their concerned vehicles permitting them to be plied in the State of Maharashtra.

(iv) Any application as made by each of the petitioners shall be decided as expeditiously as possible preferably within a period of four weeks from the date of receipt of the said application.

(v) The RTO is permitted to inform the date of consideration of the documents and inspection of the documents well in advance, so that an order in accordance with law can be passed by the RTO in respect of each of such applications.

(vi) All contentions of the parties on any such proceedings are expressly kept open.

6. Disposed of in the aforesaid terms. No costs.

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)

Corrected as per speaking to the minutes of order dated 4 March, 2025.