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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2626 OF 2011

Mumbai Taximen Sangathan
and anr.

.. Petitioners

Vs.

The State Transport Authority
and ors.

.. Respondents

Mr. Sanjay Khemka, petitioner in person present.

Mr. D.A. Nalawade, Govt. Pleader for respondent nos. 1 to 5.

Mr. M. K. Sabnis i/by M.K. Legal for respondent no.6.

CORAM: S. A. BOBDE &
R. D. DHANUKA, JJ.

JANUARY 31, 2012.

P.C.

1. Rule, returnable forthwith. Respondents waive service. Heard finally by consent of parties.

2. The only prayer made by Mr. Khemka, the petitioner-in-person, is that the respondents be directed to refund the compounding fees which have been paid to them. Mr. Nalawade, the learned Govt. Pleader,

states that the Transport Commissioner will decide the applications for refund of compounding fees on a case by case basis and on the basis of evidence made available to him. We direct that in case the Commissioner proposes to reject any application, he shall record his reasons in brief.

3. We further see no reason, pointed out by the respondents, as to why the direction should not be issued as per prayer clause (iv) of the petition. We accordingly direct that the respondent nos.3 and 4 shall issue the duplicate permits and renew permits and issue replacement orders in favour of the petitioners in accordance with law. In case the Transport Commissioner finds that it is not permissible to issue such permits, he shall record his reasons in brief for rejecting the same. This shall be done as expeditiously as possible and in any case not later than three months.

4. Rule is made absolute in above terms. No costs.

(R. D. DHANUKA,J.)

(S. A. BOBDE, J.)