

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.29819 of 2016

ORDER :

Heard the counsel for petitioner, and the learned Government Pleader for Transport (Telangana) for respondents.

2. With the consent of both the parties, the Writ Petition is taken up for disposal at the stage of admission.

3. The relief sought for in this Writ Petition is to declare the seizure of petitioner's vehicle bearing No.AP-29-TB-2358 vide vehicle check report No.170243 dt.13.08.2016 as illegal and arbitrary. A consequential relief is sought to respondents to release the vehicle to petitioner.

4. The learned Government Pleader for Transport (Telangana) submits that an application filed by petitioner for compounding the offence is still pending, and as such the question of release of vehicle would not arise.

5. The learned counsel for petitioner submits that compounding of offence should not come in the way of the authorities in releasing the vehicle and if ultimately the petitioner fails, further action as contemplated under law can be taken against the petitioner. Till such time no purpose would be served in detaining the vehicle.

6. The learned Government Pleader for Transport would further draw attention of this Court to Section 194 of the Motor Vehicles Act, 1988, which relates to vehicle being driven with weight exceeding the permissible limit. Under sub-Section (1) thereof, whoever drives a motor vehicle in contravention of the provisions of Sections 113, 114 and 115 shall be punishable with a minimum fine of Rs.2,000/-, and an additional amount of Rs.1,000/- per tonne of excess load, together with the liability to pay charges for off-loading of the excess loading permissible weight.

7. In view of the aforesaid statutory provisions, ends of justice would be met if the Secretary, Regional Transport Authority concerned is directed to consider release of the subject vehicle forthwith to petitioner on their fulfillment of the following conditions:

- (1) The petitioner shall deposit Rs.2,000/- and an additional amount of Rs.1,000/- per tonne of excess load;
- (2) The petitioner shall also pay the charges, intimated to him by the Secretary, Regional Transport Authority concerned, for off-loading of the excess permissible weight;
- (3) The petitioner shall furnish an undertaking to produce the subject vehicle as and when required to be produced before the jurisdictional Magistrate; and

(4) The petitioner shall file proof of ownership and other valid documents including the proof of payment of the tax due before the Secretary, Regional Transport Authority concerned.

8. Accordingly, the Writ Petition is disposed of. No order as to costs.

9. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-09-2016

Ndr/*

