

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION Nos.23169 of 2017 & 23236 of 2017

COMMON ORDER:

These two writ petitions are disposed of by way of a common order since the petitioner in both the writ petitions is one and the same and the subject matter is similar in both the writ petitions.

2. These two writ petitions are filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of respondent in not compounding the overload and thereby not allowing the petitioner to pay the Quarterly Tax from July, 2017 to September, 2017, the petitioner is ready to comply with Sections 113(3), 114, 115 read with Section 194(1)(2) of the Motor Vehicles Act, 1988 (for short, 'the Act'), the petitioner's Multi Axle Goods Carriages bearing Nos.AP07TE8961 & TN04AK5342, illegally stopping hours together on High Ways without following any procedure, under statutes contemplated in the Act and the Andhra Pradesh Motor Vehicles Rules, 1989, as illegal, arbitrary, high-handness and against to the principles of natural justice and violative of Articles 14, 16, 19 (1) (g), 21, 300-A and 301 of the Constitution of India and consequently direct the respondents to compound the offence as per the Motor Vehicles Act, 1988.

3. Heard learned counsel for both the parties and perused the material available on record.

4. The case of the petitioner is that the petitioner is the transporter having around 100 plus fleet of Multi Axle containers for the purpose of export of perishable sea products of prawns and

fish products from Andhra Pradesh to various Ports like Krishnapatnam, Chennai and Visakhapatnam Ports and that all the vehicles were registered with the Tamil Nadu and Andhra Pradesh Transport authorities and obtained all necessary permits. On 12.06.2017, when the petitioner's Multi Axle Goods Carriage bearing No.TN04AK5342 was coming from Bhimavaram to Chennai, it was stopped at KD Varadhi VJA, by the Assistant Motor Vehicle Inspector, Guntur District and allegedly raised the Vehicle Check Receipt for 9060 kgs and on 28.06.2017, when the petitioner's Multi Axle Goods Carriage bearing No.AP07TE8961 was coming from Bhimavaram to Chennai, it was stopped at KD Varadhi VJA, by the Motor Vehicle Inspector, DTC Vijayawada, Krishna District and allegedly raised the Vehicle Check Report for 2,650 kgs.

5. The main grievance of the petitioner is that even the above said vehicles were released from the custody of the police, the petitioner could not be able to ply the above said vehicles on road since the respondent authorities are not permitting the petitioner to pay the quarterly tax of July, 2017 to September, 2017.

6. After arguing for some time, learned counsel for the petitioner submitted that he is not intending to obtain any blanket order from this Court. He further submitted that the petitioner committed an offence by transporting overload of 9060 kgs in Multi Axle Goods Carriage bearing No.TN04AK5342 and overload of 2650 kgs in Multi Axle Goods Carriage bearing No.AP07TE8961. He further informed that even though the above said vehicles are not

seized, when the petitioner intends to pay the quarterly tax of July, 2017 to September, 2017, the respondent authorities are not accepting the same. Learned counsel further submitted that the petitioner is ready to pay not only the quarterly tax of July, 2017 to September, 2017, but also fine or compounding fee, authorized by law, if any, imposed by the respondent authorities.

7. Considering the facts and circumstances of both the cases and the submissions of the learned counsel for the petitioner, this Court is of the view that both the writ petitions can be disposed of with the following direction:

The petitioner is directed to pay the quarterly tax of July, 2017 to September, 2017, to the respondent authorities and the respondent authorities are directed to receive the same, subject to condition that the petitioner has not violated any of the conditions or if any violations are committed and if the same is compounded or fine paid.

8. Accordingly, both the Writ Petitions are disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any pending in these two writ petitions shall also stand closed.

RAJA ELANGO, J

Date: 17th July, 2017

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