

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.5705 OF 2017

ORDER:

The writ petition is filed questioning the action of the respondents 3 and 4 in not releasing the vehicle bearing No.T.S.07 UE 0863 of the petitioner by collecting overload penalty as per the provisions of the Motor Vehicles Act, 1988 (for short, "the Act").

It is the claim of the petitioner that the vehicle bearing No.T.S.07 UE 0863, has been seized by the respondents 3 & 4 authorities on the ground that on a check being conducted, it was found that the said vehicle is overloaded by 8900 kgs and handed over the same to the 4th respondent and the same is lying with the 4th respondent. It is further stated that even though the petitioner requested the respondents authorities to release the vehicle, the respondents authorities refused to do so. Hence, the present writ petition.

It is the contention of the learned counsel for the petitioner that the petitioner had purchased the said vehicle for eking out her livelihood and if the vehicle is not released, the petitioner and her family members would be put to irreparable loss and hardship. Further, the vehicle is kept open to the sky by the respondents 3 and 4 and if the vehicle is not released, there is any likelihood of getting the vehicle damaged and hence he prays to direct the respondents to release the vehicle by collecting the overload penalty as per the provisions of the Act.

Learned Government Pleader for Transport opposes the same.

Having considered the respective submissions and especially in view of the submission made by the learned counsel for the petitioner

that the vehicle may be released by collecting the overload penalty, the interest of justice would be served if a direction is given to the respondents to release the vehicle bearing No.T.S.07 UE 0863 in favour of the petitioner forthwith subject to the petitioner paying the overload penalty, as per the provisions of the Act.

In those circumstances, there shall be a direction to the respondents 3 and 4 to release the vehicle bearing No.T.S.07 UE 0863 in favour of the petitioner forthwith, subject to the petitioner paying the overload penalty as per the provisions of the Act.

With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

Date:17.02.2017,

Note:

Issue CC forthwith.

B/o.

Gk.

CHALLA KODANDA RAM,J



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Gk