THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.19612 of 2018

ORDER:

At the request of both Sri Janardhana Reddy Ponaka, learned counsel for the petitioner, and the learned Government Pleader for Transport, appearing for the respondents, the Writ Petition is being disposed of at the stage of admission.

The relief sought for in this Writ Petition is to declare the seizure of petitioner's vehicle bearing No.AP28TD2439 vide vehicle check report No.224328 dated 07.06.2018, as illegal and arbitrary. A consequential relief is sought to the respondents to release the vehicle to the petitioner.

Learned Government Pleader for Transport would 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 two thousand rupees, and an additional amount of one thousand rupees per tonne of excess load, together with the liability to pay charges for off-loading of the excess loading permissible weight.

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 the petitioner on his fulfilment of the following conditions:

1) He shall deposit Rs.2,000/- and an additional amount of Rs.1,000/- per tonne of excess load;

2) He shall also pay the charges, intimated to him by the Secretary, Regional Transport Authority concerned, for off-loading of the excess permissible weight;

3) He shall furnish an undertaking to produce the subject vehicle as and when required to be produced before the jurisdictional Magistrate; and

4) He 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.

The Writ Petition is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI,J

14th June, 2018
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