

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

W.P.No.25381 of 2018

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue a writ or order more particularly one in the nature of writ of mandamus declaring the seizure of the petitioner vehicle bearing No TS 06 UA 8019 vide vehicle check report No 1680570 dated 12.7.2018 by the 3rd respondent as illegal arbitrary unjust and violative of Article 19 1 g of Constitution of India and further declare the action of the respondents 3 and 4 in not releasing the same by collecting overload penalty as per the Provisions of Motor Vehicle Act is also illegal and arbitrary and consequently direct the respondents 3 and 4 to release the petitioner vehicle bearing NoTS 06 UA 8019 to the petitioner forthwith”.

2. Heard the learned counsel for the petitioner and learned Government Pleader for Transport and perused the material available on record.

3. Learned counsel for the petitioner submits that the subject vehicle was seized on the ground of overloading. Having placed reliance on the earlier orders of this Court including the order, dated 23.10.2017, in W.P.M.P.No.43422 of 2017 in W.P.No.34940 of 2017, he seeks release of the vehicle on the same lines.

4. Learned Government Pleader for Transport endorses the said submissions stating that the vehicle can be released subject to payment of fine and additional amount.

5. In the order, on which reliance is placed, the relevant provisions are referred to and the vehicle was released subject to certain conditions.

6. Following the said order, the writ petition is allowed directing the respondent authority to grant interim custody of the vehicle bearing No.TS-06-UA-8019 to the petitioner subject to his depositing Rs.2,000/- and additional amount of Rs.6,000/- towards excess load and on payment of off-loading charges of the excess goods beyond the permissible weight as determined by the Secretary to Transport Authority. However, release of the vehicle as directed shall be subject to the petitioner undertaking that he shall not alienate or transfer the vehicle and shall produce the vehicle before the competent authority as and when directed or required and that he would maintain the vehicle in the same good road worthy condition without altering its major parts or features.

7. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 23.7.2018
DA

A.V.SESHA SAI, J



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23.7.2018

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