

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

W.P.No.25357 of 2018

ORDER:

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

“To issue a writ order or direction especially one in the nature of Writ of Mandamus declaring the seizure of Petitioners Vehicle Ashok Ley land Lorry Tipper bearing No TS30T0626 seized by the 3rd Respondent under vehicle check Report No 1200192 dated 19.7.2018 is illegal arbitrary and violative of Art 19 1(g) of the Constitution of India and further declare the action of the 2nd Respondent in not releasing the same by collecting overload penalty as per provisions of Motor Vehicles Act is also illegal and arbitrary and consequently direct the 2nd Respondent to release the Petitioners Vehicle Ashok Ley land Lorry Tipper bearing No TS30T0626”.

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-30-T-0626 to the petitioner subject to his depositing Rs.2,000/- and additional amount of Rs.13,400/- 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



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



23.7.2018

DA