

CWP No. 21749 of 2014 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21749 of 2014 (O&M)

Date of Decision : 18.01.2018

Prem Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE AJAY KUMAR MITTAL*
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. G.S. Sandhu, Advocate for the petitioner.

Mr. Jagmohan S. Ghuman, Sr. D.A.G., Punjab.

Mr. Gurmeet Singh, Advocate for respondent No. 6.

Ajay Kumar Mittal, J.(Oral)

The prayer in this petition filed by way of public interest litigation under Article 226 of the Constitution of India, is for issuance of a writ in the nature of mandamus directing respondents No. 1 and 3 to 5 to restrain the over loading of Tractor Trolleys, which are being run in contravention of various provisions of the Motor Vehicles Act as well as rules framed there under.

2. An affidavit dated 24.11.2017 of Sh. Sukhwinder Kumar, PTS, District Transport Officer, Hoshiarpur has been filed. In paras 3 and 4, it is stated that traffic checking is being conducted at regular intervals so as to check various traffic violations including the plying of overloaded tractor trolleys carrying sugarcane and other produces. It has further been submitted that 6 tractor trolleys bearing Registration Nos. PB-08Z/4065, PB-08CH/4065, PB-07AE/4457, PB-32P/1216, PB-07AN/0543 and PB-07BK/1675 were challaned and impounded for the offence of overloading. Awareness is also made to the farmers, who

purchased sugarcane from respondent No. 6-M/s AB Super Limited Randhawa, District Hoshiarpur and M/s Indian Sucrose Sugar Limited, Mukerian District Hoshiarpur. The relevant paras of the status report reads as under :-

- “3. That as far as the answering respondent/deponent is concerned, the traffic checking is being conducted at regular intervals to check various traffic violations including the plying of overloaded tractor trolleys carrying sugarcane and other produces.
4. That during the course of traffic checking, 6 Tractor Trolleys bearing Registration Nos. PB-08Z/4065, PB-08CH/4065, PB-07AE/4457, PB-32P/1216, PB-07AN/0543 and PB-07BK/1675 were challaned and impounded for the offence of overloading while carrying sugarcane and other produces and compounding fee of ₹54,000/- was recovered from the concerned owners of Tractor Trolleys. The detail of the challans, offences committed and the amount of fine recovered is given below :

Sl. No.	Tractor Trolley No.	Challan No.	Offence	Amount of fine in Rs.
1	PB-08Z/4065	383653	Plying without documents six tones overload carrying sugarcane.	10,000/-
2	PB-08CH/4065	383654	-do-	10,000/-
3	PB-07AE/4457	383656	-do-	10,000/-
4	PB-32P/1216	383659	Plying without documents, overload four tones carrying sugar cane.	8,000/-
5	PB-07AN/0543	383666	Plying without documents, overload carrying sugar cane five tones	9,000/-
6	PB-07BK/1675	383668	Plying without documents, overload four tones carrying sugar cane.	7,000/-
			Total	54,000/-

5. That the Managing Director/Manager of M/s A.B. Super Limited Randhawa, District Hoshiarpur,

Respondent No. 6 and M/s Indian Sucrose Sugar Limited, Mukerian District Hoshiarpur were also requested by the answering respondent/ deponent vide his office letter No. 480/RTA dated 26.10.2017 to make all out efforts to create awareness among the farmers regarding the consequences of overloading (dangerous projection). They were also informed that in case they need any assistance from the office to create awareness among the farmers in this behalf, the same shall be extended to them so that the order of this Hon'ble Court are complied with in letter and spirit.

6. *That in response to the above communication from the answering respondent/deponent, the President of A.B. Sugars Limited vide their letter No. ABSL : 2017: 2322 dated 31.10.2017 intimated that during the cane crushing season, they were regularly organizing awareness programmes with the help of local Administration in their Sugar Mill. It has also been intimated by them that they were providing reflectors in each and every Sugar Cane trolley to avoid any kind of mishappening. They have also supplied some of the copies of the press news which had appeared in the press in this behalf."*

3. In view of the above, counsel for the petitioner states that petition may be disposed of as such at this stage with liberty to the petitioner to approach this Court again in case any grievance survives by furnishing full and detail particulars.

4. The petition is disposed of with aforesaid liberty.

5. However, the grant of permission to file the fresh petition as public interest litigation (PIL) shall not preclude the Bench from testing the credentials of the petitioner viz-a-viz the maintainability of the petition as PIL under the '**Maintainability of Public Interest**

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Litigation Rules, 2010'. In case, a fresh writ petition relating to the present cause is filed by the petitioner, the office shall tag the records of the present writ petition i.e. CWP No. 21749 of 2014.

(AJAY KUMAR MITTAL)
JUDGE

January 18, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes/No</i>