

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20504 of 2021

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Shashi Ranjan Azad S/o Kameshwar Sharma Resident of Village- Kansopur,
P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Transport, Bihar, Patna.
3. The Regional Transport Officer, Bangra, P.S.- Tajpur, District- Samastipur.
4. The District Transport Officer, Samastipur.
5. The Officer-In-charge, Champanagar, Samastipur.
6. The Manager, Mayur Paints, Resident of Kamarjee-Gaurichak, P.S.-
Gaurichak, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Sarvesh Kumar, G.P.-24

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 09-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



- (i) For issuance of direction/s, writ/s, order/s for direction to the respondents to release the vehicle of the petitioner bearing Truck No. BR-01GE7963 which was seized for carrying over load than the permitted load granted as per registration of the vehicle and for which and a fine of Rs. 40,500/- as been imposed.
- (ii) For issuance of an appropriate writ/order/ direction to the respondents to release the goods loaded on the truck after realization of fine from the petitioner or the private respondent who was the consignor of the goods loaded on the truck.
- (iii) For issuance of writ/s, order/s, direction/s, to the respondents that the private respondent no.7 be directed to pay damage done to the petitioner either by way of loss of income due to seizure of truck and/or the amount of fine which has been imposed by the respondent authorities for over loading on the truck.
- (iv) To pass such other order or orders as your lordships may deem fit and proper in the facts and circumstances of the case as stated herein below.

In our considered view, the present petition is totally misconceived. As an owner of the vehicle, it is the petitioner's duty to ensure that the vehicle, be it a goods carrier vehicle or a private vehicle is permitted to be driven on public roads, in compliance with law.

Petitioner allowed his vehicle to be used for carrying goods belonging to third party. The said vehicle was found to be



overloaded and as such was challaned with imposition of fine.
The vehicle release has to be not by this Court, but by the Court
entitled to release of the same.

The issue as to whether petitioner's vehicle was illegally
seized or not, for which petitioner is claiming compensation, is
something which the petitioner is to establish in appropriate
proceedings for which liberty is granted.

In view of the above, petition is disposed of reserving
liberty to the petitioner to take appropriate action, in accordance
with law.

Interlocutory Application, if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
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