



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition (MD) No.12403 of 2020
and
W.M.P.(MD)No.10606 of 2020

P.Selvakumar

.. Petitioner

Versus

The Regional Transport Officer,
Madurai South,
Madurai.

.. Respondent

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the proceedings issued by the respondent (by RPAD) vide his Na.Ka.No.28047/B1/2020, dated 07.09.2020, to the petitioner against his Tipper Lorry vehicle bearing Registration No.TN-38-AL-3388, imposing fine amount Rs.38,000/- stating overload.

For Petitioner : Mr.S.Vellaisamy

For Respondent : Mr.V.Nirmalkumar
Government Advocate

ORDER

The petitioner has challenged the impugned proceedings, dated 07.09.2020 of the respondent, calling upon him to explain as to why a sum of Rs.38,000/- should not be demanded from him for not possessing valid insurance and for having carried Thar mixing beyond the permitted capacity of the vehicle.

2.The only ground on which the impugned notice is challenged is that, there is no basis on which the impugned notice seeks to call upon the petitioner to show cause as to why he has exceeded the quantum of goods to be transported in his Tipper Lorry. The incident took place during nationwide lockdown. The Ministry of Transport and Service appears to have given time for renewing the insurance. However, copies of these relaxations given by the Government are not available. These are matters which are to be decided only after a proper reply is given by the petitioner before the respondent.



3.The petitioner has been merely asked to pay the compounding fee under Sections 194(1) and 196 of the Motor Vehicles Act, 1988 as in force from 01.09.2019. The petitioner has a choice to take advantage of the impugned proceedings or face prosecution. Therefore, there is no merit in this Writ Petition. This Writ Petition is therefore dismissed, by directing the petitioner to file a proper reply before the respondent within a period of 30 days from the date of receipt of a copy of this order. The respondent shall thereafter pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

The Regional Transport Officer,
Madurai South,
Madurai.

+1 CC to M/s.S.VELLAICHAMY, Advocate (SR-12007[F] dated 14/03/2022)

+1 CC to M/s.SPL GP (SR-12229[F] dated 15/03/2022)

WP (MD) No.12403 of 2020
11.03.2022

smn2

MS/25.03.2022/2P.4C