

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CWP-22585-2021
Date of Decision: 16.09.2022**

TEMPO DRIVER ASSOCIATION

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents for taking appropriate legal action on the dangerously modified Motor Vehicles plying in various district of the State of Haryana.

Learned counsel for the petitioner contends that the petitioner is an association of Tempo Drivers doing the business of transport of goods in the State of Haryana. The grievance of the petitioner association is that a lot of vehicles are plying in the different cities of Haryana that have been modified from two wheelers i.e. motorcycles/scooters fitted with engines of different descriptions before the carts, which are even not registered with the local Registering and Licensing Authority. These illegally modified transport carriage vehicles are being deployed largely in the cities carrying out commercial activities without any necessary registration, fitness, pollution or other tests. He contends that despite the operation of such modified vehicles

being completely illegal, adequate steps for checking the menace are not being taken by the concerned officials/officers.

Learned counsel appearing on behalf of the respondent-State has pointed out that the State has been taking steps regularly to check the aforesaid menace. He, however, further points out that a similar controversy has already been adjudicated by this Court in CWP No.15867 of 2020 vide order dated 12.05.2022 passed in the matter of 'Rajinder Kumar and others Vs. State of Haryana and others.'

A further reference is also made to the written statement filed on behalf of respondents no.3 and 4 through Dr. Rajshri Singh, I.P.S., Inspector General of Police, Traffic & Highways, Haryana. The relevant extract of the same is reproduced hereinafter below:

"2 That it is submitted that further strict directions have been issued to the all SHO's of each District and the In-charges of Traffic Police Stations to intensify the checking and not to allow the plying of Jugars and also to impound the same in case it is found plying on the road, and also take other action as per the Motor Vehicle Act and the rules against the persons found to have been running/plying the Jugar.

3. That the Police has already issued the challans of the vehicles/two wheelers (which were fitted with Modified Motor Cycle Cart/Jugar/ Rehri) and some of the vehicles had already been impounded by the Police. Strict actions on the part of police, against the two wheelers with Jugar/three tyres Rehri are being taken in the state under the provision of MV Act 1988 and rules their under. As per report received from all District Police Authorities, Total 5238 Jugar vehicles have been challan and 1179 jugar vehicle have been impounded by the police during the period 19.06.2013 to 20.12.2021 in the state District/Year wise detail of Jugar vehicle is enclosed as Annexure R-3/1.

4. *That in view of the above, strict actions have been carried out by the police authorities against the use and plying of Jugar, unless those which are registered from the competent authorities and until the same are being driven by the persons holding the valid driving license. It is further submitted that these checking will continue on regular basis so as to ensure that violations are not repeated and violating vehicles are impounded.*

6. *That to curb of such malpractices in violations of MV Act and the rules, following effective steps/measures have been/would be taken in future by police:*

- a) *Total 1152 awareness program have been organized by the traffic police, Haryana on continuously basis from 01.01.2021 to 30 11.2021 in different districts in state of Haryana. Strict actions are being taken such types of Jugar vehicles. Challans are being issued accordingly under the MV Act and as per direction issued by the Hon'ble Supreme Court of India.*
- b) *Aware through awareness campaign. Try to stop making Jugars through traffic city staff, PCRs and motor cycle riders aware public against illegal Jugars. Any drivers found with this Jugar have been requested first to remove this Jugars otherwise will be impounded. Warning issued to the drivers of Jugar vehicles.*
- c. *In this regard, it is submitted that strict directions have been issued to all SOs/SHOs specially police officials deployed on traffic duty and In-charges of permanent Nakas for regular checking of Jugar if any Jugar found plying in their jurisdiction, the same shall be impounded as per existing rules/laws. They have also been directed that no Jugar vehicle should be allowed to ply in their jurisdiction.*
- d. *Awareness campaigns are being organized to aware public on road safety under Vision Zero Program.*
- e. *Maximum no. of vehicles are being checked if any such type of vehicle is found violating the laws then action is being taken, according to the rules under the Motor vehicle Act.*

f. Through news paper and social media, public is being made aware, to stop this practice of making Jugar vehicles. Through city traffic PCR. Any drivers found with this Jugar vehicles requested to remove this Jugar first, otherwise it will be impounded.”

In the opinion of this Court, the relief sought for by the petitioner is covered under the directions issued by the authorities concerned. The Inspector General of Police, Traffic and Highways, Haryana has already instructed all the Station House Officers and In-charge of Traffic Police Stations to intensify the checking and to not allow the plying of the illegally modified transport vehicles (*Jugars*) and also to impound the same in case the same are found to be plying on the roads as well as to take all other permissible steps under the Motor Vehicles Act, 1988 and the rules framed thereunder.

Keeping in view the status report filed on behalf of the respondents, this writ petition is disposed of with a direction to the respondents to meticulously ensure the compliance of the directions issued in the context of undertaking intensive checking and to not allow plying of unauthorized, illegal and dangerously modified vehicles (*jugars*) and two wheelers attached with *rehris* for the purposes of transportation of goods etc. If such vehicles are found plying in contravention of provisions of the Motor Vehicles Act, 1988, necessary action be taken as per law including impounding of the vehicle(s) and instituting appropriate proceeding against wrongdoers in accordance with law. In case directions are violated by any police officer authorized to take action in the context of directions, petitioners would be at liberty to pin point the officer vis-a-vis the deliberate acts and/or

omissions of the concerned person and in such eventuality an appropriate action shall be taken against the erring or violating officials.

Petition stands disposed of accordingly.

16.09.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No