IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14807 of 2021

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Sarwajeet Kumar, S/o Shivjee Singh at present residing at Village- Suara, P.O.- Pahleza, P.S.- Dehri, Distt- Rohtas.

... ... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary of Bihar Govt. Old Secretariat, Patna.
2. The District Magistrate, Nawada, Bihar.
3. The Superintendent of Traffic of Police, Nawada Bihar.
4. The M.V.I. Officer, Nawada.
5. The S.H.O., P.S.- Mophfasil, Nawada.
6. The General Manager at Shree Cement Limited New Bihar Cement Plant at present residing at Warsaliganj, Main Road Near Petrol Pump, Aurangabad, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dr. Ajay Shankar Rajoo, Advocate
For the Respondent/s : Mr.Ajay Kr. Rastogi (AAG-10)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJIV ROY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 08-05-2023

The above writ petition is filed for recovery of an amount of Rs. 75,500/- (Seventy Five thousand five hundred) from the respondent authorities. The petitioner also seeks for quashing the order dated 19.02.2021 issued by the 4th respondent who issued the aforesaid Challan. The learned counsel appearing for the petitioner submits that the aforesaid amounts were deposited on coercion, especially since the goods detained were perishable and the petitioner required the release of the goods expeditiously. It is argued that the fine imposed was not permissible and is illegal. A counter affidavit has been filed by the appropriate authority which discloses that on 19.02.2021 the M.V.I, Nawada impounded the truck bearing no. UP65R9812 at 6:30 A.M. on carrying out a weighment at the nearby weighbridge. The truck was found to be carrying a load of 39,170 Kgs., which was an overload of 14 tons. The truck was brought to the Muffasil Police Station and seized on allegation of such overload and there was absolutely no papers produced by the driver upon which there was a compounding effected under Section 200 of the Motor Vehicles Tax Act, 1988.

The petitioner had voluntarily deposited the amount in lieu of prosecution under the various provisions on which the allegations were raised which is very evident from the challan produced by the petitioner himself at Annexure-1. The compounding fee imposed under the various provisions are also detailed in the counter affidavit. It is after this the petitioner raised a complaint against the Motor Vehicles Inspector, Nawada alleging that there was demand of illegal gratification of Rs. 50,000/- from the driver of the vehicle. The District Collector had sought for an explanation, reply to which was given by Annexure-B. It was asserted that the petitioner's vehicle was having an overload and that the requisite papers relating to insurance, pollution and fitness as on the date of seizure was not produced by the driver. The District Collector also found the allegations raised to be *prima facie* baseless and hence there were no further proceedings taken.

We find that the vehicle itself was carrying cement, not a perishable item. The petitioner definitely could have challenged the proceedings initiated, which he did not do. The petitioner also did not stake a claim for release of the goods before the detaining authority. The petitioner voluntarily paid the amounts determined as compounding fee under Section 200 of the Motor Vehicles Act,1988 and then turned around to challenge the determination of fine.

We are not convinced that such a challenge can be maintained especially after voluntary payment of compounding fees, as provided under Section 200.

We dismiss the writ petition.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

AFR/NAFR	
CAV DATE	
Uploading Date	12.05.2023
Transmission Date	